

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL BY  
D. GARY WEST TO PLANNING COMMISSION DECISION REGARDING PROPOSED  
PARCEL MAP FOR PROPERTY ON SISK ROAD.

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that January 23, 1978, at 7:45 P.M.P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of D. Gary West appeal  
to Planning Commission regarding proposed parcel map for property  
On Sisk Road.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 3rd day of  
January, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-2

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL BY AREA VI DEVELOPMENTAL DISABILITIES BOARD TO A BOARD OF ZONING ADJUSTMENT DECISION REGARDING A CONDITIONAL USE PERMIT FOR A FAMILY CARE HOME AT 1214 NELSON AVENUE.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that January 23, 1978, at 7:50 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of appeal by Area VI Development Disabilities Board to a Board of Zoning Adjustment decision concerning a conditional use permit for a family care home at 1214 Nelson Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of JANUARY, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Sierkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-3

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF SPRINKLER SYSTEM AND BASEMENT ACCESS DOOR TO CITY HALL ANNEX

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

SECTION 1. The plans and specifications for construction of a sprinkler system and basement access door to City Hall Annex 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 31, 1978, at 11:00 A.M. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-4

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING ISSUANCE OF A PURCHASE ORDER TO CALIFORNIA COMPUTER CENTER FOR KEY PUNCH AND TABULATION SERVICES

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for key punch and tabulation services is hereby waived.

BE IT FURTHER RESOLVED that issuance of a purchase order to California Computer Center for key punch and tabulation services for the results of the animal population survey currently being conducted, in the amount of \$5,227.50 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Wierkin, was upon roll call carried and the resolution adopted by the following vote:

AYED: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Wierkin, Mayor Davies

NAID: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION No. 78-5

A RESOLUTION ACCEPTING THE BID OF H. V. CARTER COMPANY FOR THE PURCHASE  
OF THREE PUTTING GREEN MOWERS

WHEREAS, Resolution No. 77-1210 adopted by the Council of the  
City of Modesto on November 21, 1977, approved the plans and speci-  
fications for the furnishing of three putting green mowers

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of three putting  
green mowers  
were opened at 2:30 P.M., December 20, 1977 and later tabulated  
by the Director of Finance for the consideration of the  
Council and

WHEREAS, the Director of Finance has recommended that  
the bid of H. V. Carter Company in the amount of \$11,589.30  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of H. V. Carter Company in the amount of \$11,589.30  
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 3rd day of January,

1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-6

A RESOLUTION ACCEPTING THE BID OF W. GALE FISHER, INC. FOR CONSTRUCTION OF WATERLINES IN COLONIAL COMMONS NO. 1

WHEREAS, Resolution No. 77-1276 adopted by the Council of the City of Modesto on December 12, 1977 approved the plans and specifications for the construction of waterlines in Colonial Commons No. 1

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of water lines in Colonial Commons No. 1 were opened at 11:00 A.M., December 27, 1977 and later tabulated by the Director of Public Works for the consideration of the Council and

WHEREAS, the Director of Public Works has recommended that the bid of W. Gale Fisher, Inc. in the amount of \$39,997.90

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of W. Gale Fisher, Inc. in the amount of \$39,997.90

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Noelrine Boyle*  
NOELRINE BOYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-7

A RESOLUTION ACCEPTING THE BID OF W. GALE FISHER, INC. FOR CONSTRUCTION OF WATERLINES IN McHENRY AVENUE FROM MEILY WAY AND IN PROPOSED CORALWOOD ROAD, AND WATERLINES IN PENNY LANE FROM CAPISTRANO TO PIRINEN LANE

WHEREAS Resolution No. 77-1275 adopted by the Council of the City of Modesto on December 12, 1977 approved the plans and specifications for the construction of waterlines in McHenry Avenue from Meily Way and in proposed Coralwood Road, and waterlines in Penny Lane from Capistrano to Pirinen Lane and authorized the calling for bids, and

WHEREAS the bids received for the construction of waterlines in McHenry Avenue from Meily Way and in proposed Coralwood Road and waterlines in Penny Lane from Capistrano to Pirinen Lane

were opened at 11:10 A.M., December 27, 1977 and later tabulated by the Director of Public Works for the consideration of the Council and

WHEREAS the Director of Public Works has recommended that the bid of W. Gale Fisher, Inc. in the amount of \$54,480.14

be accepted as the lowest responsible bid.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the bid of W. Gale Fisher, Inc. in the amount of \$54,480.14

be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January.

1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-8

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL IMPACT REPORT AND DIRECTING THE FILING OF A NOTICE OF APPROVAL (CONSTRUCTION OF WATERLINES IN McHENRY AVENUE AND CORALWOOD ROAD).

WHEREAS, on January 3, 1978, the City Council adopted Resolution No. 78-7 awarding a contract to W. Gale Fisher, Inc. for construction of waterlines in McHenry Avenue from Meily Way and in proposed Coralwood Road and waterlines in Penny Lane from Capistrano Drive to Pirinen Lane, and

WHEREAS, the County of Stanislaus Environmental Review Committee completed an Environmental Impact Report on December 19, 1973, for a 206-unit mobile home park which will be served by the waterlines in McHenry Avenue north of Meily Way and in Coralwood Road which is proposed to be constructed east of McHenry Avenue to serve said mobile home park, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered said Environmental Impact Report 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 Approval in regard to the Environmental Impact Report on said project for the construction of waterlines in McHenry Avenue and in proposed Coralwood Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1978, by Council-

member Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-9

A RESOLUTION REJECTING BID SUBMITTED FOR CONSTRUCTION OF UNIT 1 OF PHASE 1 OF THE TUOLUMNE RIVER REGIONAL PARK AND OPENED IN THE OFFICE OF THE CITY CLERK ON DECEMBER 6, 1977 AT 11:00 A.M., AND APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 77-1127, adopted by the Council of the City of Modesto on November 7, 1977, approved the plans and specifications for the construction of Unit 1 of Phase 1 of the Tuolumne River Regional Park and authorized the call for bids, and

WHEREAS, the bid received for the construction of Unit 1 of Phase 1 of the Tuolumne River Regional Park was opened at 11:00 A.M. on December 6, 1977, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, on December 15, 1977, the Tuolumne River Regional Park Committee recommended rejection of the bid because they felt there was not sufficient competitive bidding for a project of this size, and

WHEREAS, the plans and specifications have been altered to include some work by MWA personnel, and various items questioned by contractors have been cleared up, and Public Works staff concurs the rebidding will be to the best interest of the project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for the construction of Unit 1 of Phase 1 of the Tuolumne River Regional Park and opened in the office of the City Clerk on December 6, 1977 at 11:00 A.M. is hereby rejected.

BE IT FURTHER RESOLVED that new call for bids for the construction of Unit 1 of Phase 1 of the Tuolumne River Regional Park to be opened January 24, 1978 at 11:00 A.M. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-10

A RESOLUTION ESTABLISHING QUARTERLY IN LIEU PARKING  
FEES IN THE DOWNTOWN AREA FOR OPERATING AND  
MAINTAINING OFF-STREET PARKING SPACES.

WHEREAS, the zoning regulations of the City of Modesto set standards for off-street parking including the minimum number of parking spaces required for each use, and

WHEREAS, Section 10-2.1306 of the Modesto Municipal Code provides that downtown businesses, bounded by the centerlines of Needham Avenue, Downey Avenue, Burney Street, D Street, Ninth Street and O Street, instead of providing parking spaces may make in lieu parking payments in order to satisfy the off-street parking requirements of the Modesto Municipal Code, and

WHEREAS, by Ordinance No. 1624-C.S., effective August 17, 1977, the City Council amended Section 10-2.1306 and authorized quarterly in lieu parking payments, with the amount of said payments to be established from time to time by resolution of the City Council, and

WHEREAS, the Director of Parking and Traffic has calculated the costs to City for operating and maintaining off-street parking spaces at approximately \$50.00 per space per year, and

WHEREAS, the City staff has recommended to the Council that \$13.00 per space per quarter be established as the quarterly in lieu parking payment, and

WHEREAS, the Council of the City of Modesto desires to establish the quarterly in lieu parking payment for operating and maintaining off-

street parking spaces as recommended by the City staff and in accordance with the provisions of the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amount of \$13.00 per space per quarter is hereby established as the quarterly in lieu parking payment for operating and maintaining off-street parking spaces in the downtown area pursuant to Section 10-2.1806 of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-11

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DUANE D. STONE, A.I.A., AND ASSOCIATES FOR ENGINEERING SERVICES PERTAINING TO DESIGN AND CONSTRUCTION OF FIRE STATION NO.8 AT MODESTO CITY-COUNTY AIRPORT AND AUTHORIZING CITY MANAGER TO SIGN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Duane D. Stone, A.I.A., and Associates for architectural and engineering services pertaining to the design and construction of Fire Station No. 8 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 3rd day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-12

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE EXECUTION  
OF AN OPEN SPACE CONTRACT APPLICATION NO. 78-3436 (ANTHONY AND  
BARBARA CICCARELLI)

WHEREAS, an Open Space Contract Application has been referred to the City of  
Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has been fully  
considered, and

WHEREAS, the City staff has recommended that the City protest the execution  
of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it  
does hereby protest the execution of an Open Space Contract on Application No. 78-3436  
(Anthony and Barbara Ciccarelli).

BE IT FURTHER RESOLVED that this protest be filed with the Stanislaus County  
Board of Supervisors and the Stanislaus County Local Agency Formation Commission and  
the Local Agency Formation Commission is hereby requested to hold a hearing and consider  
this protest as provided for in Section 51243.5 of the Government Code of the State of  
California.

The foregoing resolution was introduced at a regular meeting of the Council of  
the City of Modesto held on the 3rd day of January, 1978, by Councilmember  
Dunlap, who moved its adoption, which motion being duly seconded by Councilmember  
Siefkin, was upon roll call carried and the resolution adopted by the following  
vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-13

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (Paul M. Zagaris)

WHEREAS, the Modesto City Planning Commission held a public hearing on December 20, 1977, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to R-2 and R-3, property located at the northwest corner of Oakdale Road and East Orangeburg Avenue

the following described property:

SEE EXHIBIT "A" ATTACHED

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 77-223 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 22-3-9 of the Zoning Map be set for February 13, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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

R-1 to R-2

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

Containing 4.009 acres.

R-1 to R-3

BEGINNING at the Southeast corner of said Lot 8; thence South  $89^{\circ}54'25''$  West, along the South line of said Lot 8, a distance of 427.19 feet; thence North  $0^{\circ}05'35''$  West 139.11 feet to a tangent curve concave to the West having a radius of 800.00 feet; thence Northwesterly 112.30 feet along said curve, through an angle of  $8^{\circ}02'34''$  to a reverse curve concave to the East having a radius of 800.00 feet; thence Northerly 273.63 feet along said curve, through an angle of  $19^{\circ}35'50''$  to a reverse curve concave to the West having a radius of 1000.00 feet; thence Northerly 202.29 feet along said curve through an angle of  $11^{\circ}35'26''$ ; thence North  $0^{\circ}07'45''$  West, 165.00 feet to the North line of property conveyed to the Modesto City School District by deed filed in Volume 2029 Official Records at Page 509, Stanislaus County Records; thence North  $89^{\circ}52'15''$  East, along said North line, a distance of 426.36 feet to a point on the East line of said Lot 1 and the center line of Oakdale Road; thence South  $0^{\circ}45'00''$  East, along said center line of Oakdale Road, a distance of 889.46 feet to the point of beginning.

Containing 8.669 acres.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-14

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16-3-9 OF THE ZONING MAP (Harry G. and Hilda Russell)

WHEREAS, the Modesto City Planning Commission held a public hearing on December 20, 1977, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-0, property located on the west side of Coffee Road north of MID Caval Drain the following described property:

SEE EXHIBIT "A" ATTACHED

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 77-226 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 16-3-9 of the Zoning Map be set for February 13, 1978, at 7:35 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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

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

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

Contains: 18,413 sq. ft. or 1.044 acres gross  
30,311 sq. ft. or 0.71 acres net

EXHIBIT "A"

Sec. 16-3-9  
(Russell)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-15

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP (Horn Construction Company)

WHEREAS, the Modesto City Planning Commission held a public hearing on December 20, 1977, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 25-3-9 of the Zoning Map to rezone from R-1 to R-2 and R-3, property located on the north side of Yosemite Boulevard on both sides of Mariposa Road

the following described property:

SEE ATTACHED EXHIBIT "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 77-227 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 25-3-9 of the Zoning Map be set for February 27, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger,

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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

R-2

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

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

= 4.64 gross acres

R-3

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

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

= 9.22 gross acres

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-16  
LEASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
GEORGE AND DARLENE REED, dba AVIS RENT-A-CAR, FOR OFFICE SPACE IN  
THE AIRPORT SERVICE BUILDING #1

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
lease  
that the/agreement between the City of Modesto and George and Darlene  
Reed, dba Avis Rent-A-Car,  
for the lease of office space in the Airport Service Building #1  
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 3rd day of  
January, 1978, by Councilmember Kullijian,  
who moved its adoption, which motion being duly seconded by Council-  
member Mensing, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

ATTEST: Norrine Cole  
NORRINE COLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-17

A RESOLUTION APPROVING REQUEST OF CAMELLIA SOCIETY FOR CITY OF  
MODESTO CONTRIBUTION OF SWEEPSTAKES TROPHY FOR THE 17TH ANNUAL  
CAMELLIA SHOW TO BE HELD MARCH 18 and 19, 1978

BE IT RESOLVED BY THE COUNCIL of the City of Modesto that it  
nereby approves the request of the Camellia Society of Modesto  
that the City of Modesto contribute the sweepstakes trophy for  
the 17th Annual Camellia Show to be held March 18 and 19, 1978.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 9th day of  
January, 1978, by Councilmember Dunlap; who moved its adoption,  
which motion being duly seconded by Councilmember Lang, was  
upon roll call carried and the resolution adopted by the  
following vote:

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

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-18

A RESOLUTION SETTING TIME AND PLACE FOR HEARING APPEAL OF HORN CONSTRUCTION CO. TO DECISION OF THE PLANNING COMMISSION REGARDING REZONING PROPERTY LOCATED ON CLOGSTON WAY IN SCOTT ESTATES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 27, 1978, 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 appeal of Horn Construction Co. to decision of the planning Commission regarding rezoning from R-1 to R-2 property located on Clogston Way in Scott Estates.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-19

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR STREET IMPROVEMENTS, HOUSING TARGET AREA STAGE 2 AND OPENED IN THE OFFICE OF THE CITY CLERK ON DECEMBER 20, 1977 AT 11:00 A.M., AND APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 77-1259, adopted by the Council of the City of Modesto on December 8, 1977, approved the plans and specifications for street improvements, Housing Target Area Stage 2 and authorized the call for bids, and

WHEREAS, the bids received for street improvements, Housing Target Area Stage 2 were opened at 11:00 A.M. on December 20, 1977, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, six bids were received for street improvements, Housing Target Area Stage 2 and four bidders made errors in filling out the bid proposal form, and

WHEREAS, the lowest bid submitted is thirteen and one-half per cent (13.5%) above the Engineer's Estimate, and

WHEREAS, the Director of Public Works recommends that all bids be rejected and that a new call for bids be authorized.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for street improvements, Housing Target Area Stage 2 and opened in the office of the City Clerk on December 20, 1977 at 11:00 A.M. are hereby rejected.

BE IT FURTHER RESOLVED that new call for bids for street improvements Housing Target Area Stage 2 to be opened January 24, 1978, at 11:10 A.M. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-20

A RESOLUTION ACCEPTING THE BID OF J. L. PRYOR CONSTRUCTION CO. FOR  
EXPANSION OF AIRPORT TERMINAL PARKING FACILITIES

WHEREAS Resolution No. 77-1308 adopted by the Council of the City of Modesto on December 19, 1977 approved the plans and specifications for the expansion of airport terminal parking facilities

and authorized the calling for bids, and

WHEREAS, the bids received for the expansion of airport terminal parking facilities

were opened at 11:10 A.M., January 3, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of J. L. Pryor Construction Co. in the amount of \$11,911.05

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of J. L. Pryor Construction Co. in the amount of \$11,911.05

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 January,

1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norine Coyle*  
NORINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-21

A RESOLUTION ACCEPTING THE BID OF BAY MICROFILM, INC. FOR FURNISHING  
NINE MICROFICHE READERS AND ONE READER-PRINTER

WHEREAS, Resolution No. 77-1274, adopted by the Council of the City of Modesto on December 12, 1977, approved the plans and specifications for the furnishing of nine microfiche readers and one reader-printer

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of nine microfiche readers and one reader-printer were opened at 2:15 P.M., December 27, 1977 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 Microfilm, Inc. in the amount of \$4,113.72 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 Microfilm, Inc. in the amount of \$4,113.72 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 January,

1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Marrine Coyle*  
MARRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-22

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN CONTINENTAL PLAZA, HILLSBORO EAST AND LINCOLN SQUARE NO. 6 (Western Pipeline Co.)

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Continental Plaza, Hillsboro East and Lincoln Square No. 6 has been completed by Western Pipeline Co.

in accordance with the contract agreement dated October 20, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Continental Plaza, Hillsboro East and Lincoln Square No. 6 be accepted from said contractor, Western Pipeline Co.

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$84,168.40 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-23

A RESOLUTION ACCEPTING THE CONSTRUCTION OF RAISING OF MANHOLES AND VALVE BOXES IN McHENRY AVENUE BETWEEN HELEN AVENUE AND LEVELAND LANE AND BETWEEN WARREN WAY AND UNION AVENUE (George Reed, Inc.)

WHEREAS, a report has been filed by the Director of Public Works that the construction of raising of manholes and valve boxes in McHenry Avenue between Helen Avenue and Leveland Lane and between Warren Way and Union Avenue has been completed by George Reed, Inc.

in accordance with the contract agreement dated October 3, 1977

NOW, THEREFORE, BE IT RESOLVED that the construction of raising of manholes and valve boxes in McHenry Avenue between Helen Avenue and Leveland Lane and between Warren Way and Union 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 \$15,882.00 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 9th day of January, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-24

A RESOLUTION ACCEPTING THE CONSTRUCTION OF INSTALLATION OF IRRIGATION SYSTEM AND LANDSCAPING AT REVARO PARK (Bibens Nursery)

WHEREAS, a report has been filed by the Director of Public Works that the construction of installation of irrigation system and landscaping at Revaro Park has been completed by Bibens Nursery Co.

in accordance with the contract agreement dated June 30, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of installation of irrigation system and landscaping at Revaro Park be accepted from said contractor, Bibens Nursery Co.

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$33,043.00 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 9th day of January, 1978, by Councilmember \_\_\_\_\_, 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:

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-25

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS PELANDALE NO. 1 ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY.

WHEREAS, by Resolution No. 77-1200, adopted on November 14, 1977, the Council fixed the 9th day of January, 1978, at the hour of 7:30 P.M. in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto as the time and place for considering the petition of the owners of not less than one-fourth of the land in the hereinafter described territory by area and by assessed value requesting annexation of said territory to said City, and

WHEREAS, the City Clerk has caused a copy of said Resolution No. 77-1200 to be published in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and in the Riverbank News, a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus, said publications being completed at least twenty (20) days prior to the date set for the hearing, as required by Sections 35307 and 35311 of the Government Code, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, notice has been duly given of said hearing and no person owning real property within such territory appeared at said time and place to protest said annexation and no written protests have been

filed prior to final adjournment of the hearing on protests to the proposed annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that a majority protest against the proposed annexation of said Pelandale No. 1 Addition has not been made and hereby declares its intention to proceed with the annexation of said territory, which is more particularly described as 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 9th day of January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]  
Public Works Department

October 12, 1977  
September 21, 1977

PELANDALE NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, being in the Southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the 1/4 section corner common to Sections 2 and 11 and as established by a Northeastern corner of BECKWITH NO. 1 ADDITION (305), as per description filed June 19, 1973, as Instrument 54524, Stanislaus County Records;

1. thence along the existing City Limits on a northerly line of said Addition (305), South  $89^{\circ} 52' 45''$  West, 987.62 feet;
2. thence continuing along the existing City Limits on an easterly line of said Addition (305), North  $00^{\circ} 15' 30''$  East, 1328.84 feet;
3. thence leaving the existing City Limits along the centerline of 40.00 foot Pelandale Avenue, North  $89^{\circ} 57' 00''$  East, 3629.11 feet;
4. thence along the centerline of 50.00 foot Dale Road, South  $0^{\circ} 18' 00''$  West, 1324.75 feet, to the Section corner common to Sections 1, 2, 11, and 12;
5. thence South  $89^{\circ} 53' 20''$  West, 2640.55 feet to the point of beginning, containing 110.516 acres, more or less.



MODESTO CITY COUNCIL  
RESOLUTION NO. 78-27

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MARION L. RAMPLEY AND HELEN RAMPLEY)

WHEREAS, on January 9, 1978, the City Council

introduced Ordinance No. 1701-C.S. giving approval to a project relating to an amendment to Section Map 22-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0

, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 22-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1, to Professional Office Zone, P-0

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by

Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Edward L. Johnson*  
EDWARD L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-28

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 553) Lots 14 & 15 - Manuel M. and Juana F.  
Acosta - \$103.25

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-875, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$103.25.

SECTION 2. That the cost of the aforesaid work, being the amount of \$103.25, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lots 14 and 15 of Block 553 of City of Modesto as per map filed December 21, 1942, in Volume 15 of Maps, Page 553, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 110-0372-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-29

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 553) Lots 16 & 17 - Glenn A. and Lela M. Shull -  
\$103.25

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-875, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$103.25.

SECTION 2. That the cost of the aforesaid work, being the amount of \$103.25, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lots 16 and 17 of Block 553 of City of Modesto as per map filed December 21, 1942, in Volume 15 of Maps, Page 553, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 110-0373-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-30

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 553) East 44 feet of Lot 22, 23, 24, and 25 -  
Joseph J., Jr., and Irma J. Mingham - 196.19

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)

of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-875, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$196.19.

SECTION 2. That the cost of the aforesaid work, being the amount of \$196.19, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

The East 44 feet of Lot 22, 23, 24, and 25  
of Block 553 of City of Modesto as per map filed  
December 21, 1942, in Volume 15 of Maps, Page 553, Stanislaus County  
Records.

(Stanislaus County Assessor's Parcel No. 002-01 110-0378 -001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-31

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 553) Lots 1 through 6, Paul E. and Shirley A.  
Aebersold - \$289.98

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-875, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$289.98.

SECTION 2. That the cost of the aforesaid work, being the amount of \$289.98, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lots 1 through 6 of Block 553 of City of Modesto as per map filed December 21, 1942, in Volume 15 of Maps, Page 553, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 110-0379-003)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-32

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 553) Lots 7 through 12, Texaco, Inc. - \$309.77

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-875, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$309.77.

SECTION 2. That the cost of the aforesaid work, being the amount of \$309.77, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lots 7 through 12 of Block 553 of City of Modesto as per map filed December 21, 1942, in Volume 15 of Maps, Page 553, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 110-0380-003)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-33

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6075) Lot 6 and the East 2 feet of Lot 5 -  
William J. and Farnetta Brendemuehl - \$153.51

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22,, 1977, adopt  
its Resolution No. 77-876, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$153.51.

SECTION 2. That the cost of the aforesaid work, being the amount of \$153.51, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 6 and the East 2 feet of Lot 5  
of Block 6075 of City of Modesto as per map filed  
December 14, 1954, in Volume 18 of Maps, Page 13, Stanislaus County  
Records.

(Stanislaus County Assessor's Parcel No. 002-01 117-0719-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-34

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6075) The West 35 feet of Lot 4 and the East 35  
feet of Lot 3 - Harry David Miller - \$151.03

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-876, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$151.03.

SECTION 2. That the cost of the aforesaid work, being the amount of \$151.03, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

The West 35 feet of Lot 4 and the East 35 feet of Lot 3 of Block 6075 of City of Modesto as per map filed December 14, 1954, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 117-0717-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-35

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6075) The West 20 feet of Lot 3 and the East 50 feet of Lot 2 - James Thomas, III, and Barbara Watson - \$151.00  
WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)

of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22,, 1977, adopt its Resolution No. 77-876, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$151.03.

SECTION 2. That the cost of the aforesaid work, being the amount of \$151.03, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

The West 20 feet of Lot 3 and the East 50 feet of Lot 2 of Block 6075 of City of Modesto as per map filed December 14, 1954, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 117-0716-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-36

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6075) Portion - Gayno W. and Bernita Howard -  
\$460.22

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-876, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$460.22.

SECTION 2. That the cost of the aforesaid work, being the amount of \$460.22, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Portion of Block 6075 of City of Modesto as per map filed December 14, 1954, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 117-0733-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-37

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6075) Portion - Glen A. Delaplane - \$291.24

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-876, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$291.24.

SECTION 2. That the cost of the aforesaid work, being the amount of \$291.24, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Portion of Block 6075 of City of Modesto as per map filed December 14, 1954, in Volume 18 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 117-020 -001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-38

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 14 - William A. and Linda Auda - \$149.76

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-877, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$149.76.

SECTION 2. That the cost of the aforesaid work, being the amount of \$149.76, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 14 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0414-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-39

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 15 - Anthony I. and Anne Seliski - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 15 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0415-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-40

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6628) Lot 16 - LaSalle and Bettie A. Christensen - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-877, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 16 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0416-001)

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 (Alleys)

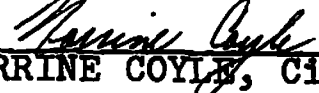
by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-41

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 17 - Irvin P. and Julia M. Cox - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-877, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed. All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 17 of Block 6528 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0417-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-42

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 18 - Campos Gumaro and Dolores S. Diaz -  
\$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-877, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 18 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0418-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-43

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 19 - Fred R. Crane - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 19 of Block 6528 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0419-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-44

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 20 - Axel F. Johnson - \$131.08

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$131.08.

SECTION 2. That the cost of the aforesaid work, being the amount of \$131.08, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 20 of Block 6528 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0420-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-45

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 21 - Cleo U. and Freeda M. Clark - \$123.01

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-877, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.01.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.01, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 21 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0421-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-46

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 22 - Audrey L. and Kenneth R. King - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-877, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed. All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 22 of Block 6528 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0422-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-47

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 23 - Olen R. and Jeri Linda Gee - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 23 of Block 6528 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0423-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-48

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 24 - Allan L. and Charlotte A. Bowlin - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed. All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 24 of Block 6528 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0424-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-49

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 25 - Manuel A. Silva - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 25 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0425-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-50

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 26 - J. Warren and Alma L. Leether - \$155.40

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$155.40.

SECTION 2. That the cost of the aforesaid work, being the amount of \$155.40, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 26 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0426-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-51

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 11 - Aleeda E. Hayes - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 11 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-04 11-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-52

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 10 - Jeffrey S. and Judy A. Jumper - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 10 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0410-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-53

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 8 - Harold B. and Joyce D. Shaw - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 8 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0408-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-54

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 6 - Paul R. and Lynne A. Naber - \$129.03

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$129.03.

SECTION 2. That the cost of the aforesaid work, being the amount of \$129.03, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 6 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0406-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-55

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 5 - Bob G. and Sandra E. Usrey - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-877, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 5 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0405-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-56

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6628) Lot 4 - Raymond V. and Myrna Eredia - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 4 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-04 04-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-57

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 2 - Richard and Brenda Harrison - \$125.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$125.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$125.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 2 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0402-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-58

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6628) Lot 1 - Guy Benning - \$149.37

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-877, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$149.37.

SECTION 2. That the cost of the aforesaid work, being the amount of \$149.37, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 1 of Block 6628 of City of Modesto as per map filed October 23, 1958, in Volume 19 of Maps, Page 8, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 060-0401-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-59

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Portion - Cleveland J. Stockton et al, Sanders Construction Co. - \$283.38

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-873, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$283.38.

SECTION 2. That the cost of the aforesaid work, being the amount of \$283.38, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Portion of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3136-00 )

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-60

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Lot 14 - David L. and Anita D. Graham - \$138.33

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-87.3, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$138.33.

SECTION 2. That the cost of the aforesaid work, being the amount of \$138.33, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 14 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3135-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-61

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Lot 12 - Carl Ross and Joann Costley - \$137.46

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-87, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.46, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 12 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3133-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-62

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN,  
(BLOCK 6701) Lot 11 - Dixie Thollander - \$137.46

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-870, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.46, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 11 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3132-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-63

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Lot 10--Glen R. and Beverly Terryberry - \$137.46

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-87, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.46, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 10 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3131-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-64

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Lot 8 - Frank J. and Edna Azevedo -\$136.60

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-873, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$136.60.

SECTION 2. That the cost of the aforesaid work, being the amount of \$136.60, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 8 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3129-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-65

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Lot 7 - John R. and Alma B. Dryden - \$138.27

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-873, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$138.27.

SECTION 2. That the cost of the aforesaid work, being the amount of \$138.27, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 7 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3128-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-66

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6701) Lot 1 - Ricardo A. and S. Irene Carranza - \$136.66

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-87, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$136.66.

SECTION 2. That the cost of the aforesaid work, being the amount of \$136.66, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed

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

Lot 1 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3122-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-67

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Lot 2 - Sody Veras - \$137.46

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-873, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.46, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 2 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3123-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-68

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6701) Lot 3 - Eliel V. de Souza - \$137.46

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-87, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.46, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 3 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3124-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Lot 4 - Rachel M. Zenard - \$137.46

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-870, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.46, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 4 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3125-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-70

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6701) Lot 5 - Gerald A. and Elizabeth A. Landes -  
\$137.46

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-872, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.46, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 5 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3126-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-71

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6701) Lot 6 - Earl L. Bell - \$137.46

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-878, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.46, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 6 of Block 6701 of City of Modesto as per map filed June 18, 1954, in Volume 18 of Maps, Page 2, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 059-3127-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-72

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6805) North 52.8 feet of Lot 2 and South 9.7 feet  
of Lot 3 - Albert L. and Frances C. Nelson - \$113.94

WHEKEAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)

of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$113.94.

SECTION 2. That the cost of the aforesaid work, being the amount of \$113.94, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 52.8 feet of Lot 2 and South 9.7 feet of Lot 3 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2337-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-73

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6805) North 48.1 feet of Lot 3 and South 14.4 feet  
of Lot 4 - Gerald J. and Mary L. Marasovich - \$123.20

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)

of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of 123.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.20, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 48.1 feet of Lot 3 and South 14.4 feet of Lot 4 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2338-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-74

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) North 43.4 feet of Lot 4 and South 19.1 feet  
of Lot 5 - Richard G. and Zella F. Waring - \$114.10

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$114.10.

SECTION 2. That the cost of the aforesaid work, being the amount of \$114.10, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 43.4 feet of Lot 4 and South 19.1 feet of Lot 5 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2339-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-75

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) North 38.7 feet of Lot 5 and South 23.8 feet  
of Lot 6 - Lewis C. and Betty Rash - \$123.20

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.20, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 38.7 feet of Lot 5 and South 23.8 feet of Lot 6  
of Block 6805 of City of Modesto as per map filed March 11, 1954,  
in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2340-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-76

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) North 34 feet of Lot 6 and South 28.5 feet  
of Lot 7 - Robert R. and Marg Hedgpeth - \$123.20

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.20, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 34 feet of Lot 6 and South 28.5 feet of Lot 7 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2341-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-77

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) North 29.3 feet of Lot 7 and South 33.2 feet  
of Lot 8 - Jeannette Westerink - \$123.20

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.20, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 29.3 feet of Lot 7 and South 33.2 feet of Lot 8 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2342-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-78

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6805) North 24.6 feet of Lot 8 and South 37.9  
feet of Lot 9 - Merlin Duane and Beverly Dengerink - \$123.20

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)

of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.20, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 24.6 feet of Lot 8 and South 37.9 feet of Lot 9 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2343-001)

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 (Alleys)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-79

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6805) North 19.9 feet of Lot 9 and South 42.6  
feet of Lot 10 - William L., Jr., and Jean W. McSwain - \$123.20  
WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)

of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.20, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 19.9 feet of Lot 9 and South 42.6 feet of Lot 10 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2344-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-80

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6805) North 15.2 feet of Lot 10 and South 11  
feet of Lot 11 - Harold J. and Elizabeth Finley - \$123.20

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.20, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 15.2 feet of Lot 10 and South 11 feet of Lot 11 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2345-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-81

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) North 10.5 feet of Lot 11 and South 52 feet of Lot 12--Helen Andritsis - \$123.20

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-879, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.20, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

North 10.5 feet of Lot 11 and South 52 feet of Lot 12 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2346-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-82

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) Lot 13 and the North 5.8 feet of Lot 12 -  
Nora Naraghi - \$123.40

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$123.40.

SECTION 2. That the cost of the aforesaid work, being the amount of \$123.40, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 13 and the North 5.8 feet of Lot<sup>12</sup> of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2347-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-83

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) Lot 31 - Lloyd E. and Marian Raymond -  
\$146.91

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$146.91.

SECTION 2. That the cost of the aforesaid work, being the amount of \$146.91, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 31 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2335-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-84

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) Lot 30 - Kathryn L. Wahl - \$137.98

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-879, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.98.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.98, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 30 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2334-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-85

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) Lot 29 - Robert V. and Violet M. Grandstaff -  
\$137.98

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.98.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.98, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 29 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2333-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-86

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) Lot 28 - Edward B. and Paulina H. Liljeblad -  
\$137.98

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.98.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.98, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed. All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 28 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2332-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-87

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6805) Lot 27 - Stephen S. and Joyce G. Locke -  
\$137.98

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.98.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.98, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 27 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2331-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-88

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) Lot 26 - Helen R. Foletta - \$137.98

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$137.98.

SECTION 2. That the cost of the aforesaid work, being the amount of \$137.98, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed. All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 26 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2330-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-89

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) Lot 25 - Donald L. and Dolores M. Miller -  
\$210.58

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$210.58.

SECTION 2. That the cost of the aforesaid work, being the amount of \$210.58, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 25 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2329-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-90

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6805) Lot 24 - Clarence A. and Doris M. Tallent -  
\$159.67

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-879, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$159.67.

SECTION 2. That the cost of the aforesaid work, being the amount of \$159.67, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 4 of Block 6805 of City of Modesto as per map filed March 11, 1954, in Volume 17 of Maps, Page 70, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-2328-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-91

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 17 - Authur G. and Betty J. Palmie - \$201.47

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-880, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$201.47.

SECTION 2. That the cost of the aforesaid work, being the amount of \$201.47, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 17 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0508-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-92

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 18 - Charles K., Sr., and Helen F. Huston -  
\$183.94

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$183.94.

SECTION 2. That the cost of the aforesaid work, being the amount of \$183.94, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 18 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0507-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-93

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 19 - Rowland H. and La Vivian G. Gum -  
\$186.02

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$186.02.

SECTION 2. That the cost of the aforesaid work, being the amount of \$186.02, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 19 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0506-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-94

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 20 - Carl J., Jr., and Janice R. Schuetze -  
\$185.40

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$185.40.

SECTION 2. That the cost of the aforesaid work, being the amount of \$185.40, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 20 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-05 05-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-95

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 21 - Charles F. and Loretta F. Hewitt - \$185.40

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-880, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$185.40.

SECTION 2. That the cost of the aforesaid work, being the amount of \$185.40, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 21 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0504-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

Norrine Coyle  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-96

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN. (BLOCK 6834) Lot 22 - Zoe E. Gross - \$185.40

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-880, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$185.40.

SECTION 2. That the cost of the aforesaid work, being the amount of \$185.40, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 22 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0503-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-97

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6834) Lot 23 - Ginnie T. Stocker - \$185.40

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$185.40.

SECTION 2. That the cost of the aforesaid work, being the amount of \$185.40, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 23 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0502-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-98

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 24 - Elmo, Sr., and Bertha Wilson -  
\$195.06

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$195.06.

SECTION 2. That the cost of the aforesaid work, being the amount of \$195.06, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 24 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0501-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-99

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 16 - William M. and Vicki A. Schendel -  
\$181.94

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$181.94.

SECTION 2. That the cost of the aforesaid work, being the amount of \$181.94, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 16 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0509-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL,  
RESOLUTION NO. 78-100

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 15 - Raymond H. and Nancy S. Benefield -  
\$176.95

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$176.95.

SECTION 2. That the cost of the aforesaid work, being the amount of \$176.95, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 15 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0510-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-101

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 14 - Frank H. and Dorothy M. Lowry - \$191.58

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-880, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$191.58.

SECTION 2. That the cost of the aforesaid work, being the amount of \$191.58, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 14 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-05 11-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-102

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-INTENDENT OF STREETS CONCERNING THE WORK OF CONSTRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CERTAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF 1911, ASSESSING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6834) Lot 13 - John D. Anderson - \$207.65

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.) of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt its Resolution No. 77-880, ordering the installation of certain improvements along certain alleys in the City of Modesto as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code the Superintendent of Streets proceeded to cause the completion of the construction of asphaltic concrete paving on property abutting the property hereafter described, and

WHEREAS, January 9, 1978, at 7:35 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California, was set as the time and place for hearing and passing upon the report of the Superintendent of Streets with respect to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$207.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$207.65, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 13 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0512-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The Lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-103

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 12 - Ernest K. and Lisle R. Gowdy - \$205.55

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$205.55.

SECTION 2. That the cost of the aforesaid work, being the amount of \$205.55, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 12 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0513-001)

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 (Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-104

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.

(BLOCK 6834) Lot 11 - A. E. and Maida E. Ghilotti - \$195.70

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$195.70.

SECTION 2. That the cost of the aforesaid work, being the amount of \$195.70, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 11 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0514-001)

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

(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-105

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF ASPHALTIC CONCRETE PAVING ALONG CER-  
TAIN ALLEYS IN THE CITY OF MODESTO IN ACCORDANCE  
WITH THE IMPORVEMENT DISTRICT ACT OF 1911, ASSESS-  
ING THE COST OF CONSTRUCTION AGAINST THE PARCEL OF  
REAL PROPERTY FRONTING UPON THE IMPROVEMENT, AND  
DIRECTING THE METHOD OF COLLECTION OF SAID LIEN.  
(BLOCK 6834) Lot 10--Wilson F. and Doris I. Bader - \$348.70

WHEREAS, Chapter 27 of Part 3 of Division 8 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on August 22, 1977, adopt  
its Resolution No. 77-880, ordering the installation of certain  
improvements along certain alleys in the City of Modesto as provided  
therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of as-  
phaltic concrete paving on property abutting the property hereafter  
described, and

WHEREAS, January 9, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

(Alleys)

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$348.70.

SECTION 2. That the cost of the aforesaid work, being the amount of \$348.70, be assessed in three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 10 of Block 6834 of City of Modesto as per map filed September 12, 1960, in Volume 19 of Maps, Page 48, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-07 059-0515-001)

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  
(Alleys)

by law for the delivery of the Assessment Book to the County Board of Equalization. The lien shall be collected in accordance with the procedure prescribed in Section 5894 of the California Streets and Highways Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-106

A RESOLUTION DENYING THE APPEAL OF E. V. DARPINIAN TO THE DECISION OF THE BOARD OF APPEALS, DANGEROUS BUILDING CODE, REQUIRING A SECOND CONFORMING EXIT FROM THE BASEMENT OF THE LOOMIS MODESTO FLORAL BUILDING AT 1111 "J" STREET IN THE CITY OF MODESTO.

WHEREAS, on May 10, 1974, the Building Inspection Division of the Public Works Department of the City of Modesto issued to Ernest V. Darpinian a Notice and Order to Repair and Rehabilitate the Loomis Modesto Floral building at 1111 "J" Street in the City of Modesto, and

WHEREAS, all of the work specified in the above-mentioned Notice and Order has been completed or an extension of time obtained therefor, with the exception of the requirement for a second conforming exit at least 56 feet from the present exit in the basement of the Loomis Modesto Floral building at 1111 "J" Street, and

WHEREAS, on February 17, 1977, the Board of Appeals, Dangerous Building Code, by its Decision and Order No. 1-77 granted Ernest V. Darpinian an extension of time to September 1, 1977, for installation of an approved second exit at least 56 feet from the present exit in the basement of the Loomis Modesto Floral building at 1111 "J" Street, and

WHEREAS, on October 3, 1977, Ernest V. Darpinian filed an appeal with the Board of Appeals, Dangerous Building Code, requesting a determination of whether the repairs made to the basement of the Loomis Modesto Floral building at 1111 "J" Street, complied with Decision and Order No. 1-77 of the Board of Appeals, Dangerous Building Code, and

WHEREAS, said appeal was set for hearing before the Board of Appeals, Dangerous Building Code, at 4:00 o'clock p.m. on October 20, 1977, in the City Council Chambers, 801 11th Street, Modesto, California, and

WHEREAS, the Board of Appeals, Dangerous Building Code, at said meeting on October 20, 1977, at 4:00 o'clock p.m. in the City Council Chambers, 801 11th Street, held a hearing and received evidence both oral and documentary and thereafter continued said hearing to a special meeting on November 17, 1977, at 3:15 p.m. at the Loomis Modesto Floral building at 1111 "J" Street in the City of Modesto, and

WHEREAS, the Board of Appeals, Dangerous Building Code, at said special meeting on November 17, 1977, at 3:15 p.m. at the Loomis Modesto Floral building at 1111 "J" Street, inspected the basement of said building and thereafter continued said hearing to the regular meeting of the Board of Appeals, Dangerous Building Code, at 4:00 o'clock p.m. on November 17, 1977, and

WHEREAS, based upon the evidence received and considered at its regular meeting on October 20, 1977, its special meeting on November 17, 1977, and its regular meeting on November 17, 1977, the Board of Appeals, Dangerous Building Code denied the appeal of Ernest V. Darpinian, and by Decision and Order No. 8-77 ordered a second conforming exit at least 56 feet from the existing exit in the basement of the Loomis Modesto Floral building at 1111 "J" Street, Modesto, California, based on the following findings:

1. Decision and Order No. 1-77 was issued by the Board of Appeals requiring an "...approved second exit from the basement..."

2. Section 302(a) of the Uniform Code for the Abatement of Dangerous Buildings, 1973 Edition, requires stairways to conform to the requirements of the Uniform Building Code.

3. Section 3305 of the Uniform Building Code, 1973 Edition, contains specific requirements for stairways as to width, rise and run, landings, and handrails.

4. The stairway at Loomis-Modesto Floral does not meet Building Code requirements for width, rise and run, landings, and handrails.

5. The stairway does not offer an adequate means of exit.

6. A second conforming stairway could be added without undue hardship.

and

WHEREAS, E. V. Darpinian, by a letter dated December 5, 1977, filed an appeal with the City Clerk of the City of Modesto on December 8, 1977, to the decision of the Board of Appeals, Dangerous Building Code, requiring a second conforming exit at least 56 feet from the existing exit of the basement of the Loomis Modesto Floral building at 1111 "J" Street, Modesto, California, and

WHEREAS, said matter was set for public hearing before the Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California at 7:40 o'clock p.m. on January 9, 1977, at which time evidence both oral and documentary was taken and introduced,

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

Modesto that it hereby makes the following findings:

1. Decision and Order No. 1-77 was issued by the Board of Appeals requiring an "...approved second exit from the basement..."
2. Section 302(a) of the Uniform Code for the Abatement of Dangerous Buildings, 1973 Edition, requires stairways to conform to the requirements of the Uniform Building Code.
3. Section 3305 of the Uniform Building Code, 1973 Edition, contains specific requirements for stairways as to width, rise and run, landings, and handrails.
4. The stairway at Loomis-Modesto Floral does not meet Building Code requirements for width, rise and run, landings, and handrails.
5. The stairway does not offer an adequate means of exit.
6. A second conforming stairway could be added without undue hardship.

BE IT FURTHER RESOLVED that the appeal of E. V. Darpinian, to the decision of the Board of Appeals, Dangerous Building Code, requiring a second conforming exit at least 56 feet from the existing exit in the basement of the Loomis Modesto Floral building at 1111 "J" Street, Modesto, California, is hereby denied for the reasons set forth above, and the decision of the Board of Appeals, Dangerous Building Code, is hereby affirmed.

BE IT FURTHER RESOLVED that the requirement of providing a second conforming exit at least 56 feet from the existing exit in the basement of the Loomis Modesto Floral building at 1111 "J" Street, Modesto, California, shall be complied with within thirty (30) days from the date of the adoption of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



WHEREAS, after public hearing held on November 15, 1977, and continued to December 6, 1977, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed neighborhood shopping center portion of the application is in accordance with the standards of the City's Neighborhood Shopping Center Policy.
2. The proposed neighborhood shopping center portion of the application is located at the intersection of two major streets as shown on the Modesto Urban Area General Plan, Pelandale Avenue and Dale Road.
3. The residential portion of the project is properly located for multiple family residential uses, fronting on Pelandale Avenue, a major street, and adjacent to a proposed neighborhood shopping center.
4. The proposed project will be compatible with other uses proposed on adjacent properties because of required walls, fences, screen landscaping and hours of operation limitations on the proposed shopping center.

WHEREAS, after a public hearing held on January 9, 1978, the Council found and determined that the application of \_\_\_\_\_  
Milton David \_\_\_\_\_ for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1702 -C.S. on the 9th day of January, 1978, rezoning the above-described property to Planned Development Zone, P-PD(177).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Rezoned Planned Development Zone, P-PD(177), is hereby approved in accordance with the plan titled "Shopping Center Study for Dr. Milton David and Clarence Ferrari" and "Dimensional Plan Garden Apartments",

dated December 6, 1977, which said plan is on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plans.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved landscaping and irrigation plan. Irrigation shall be by underground sprinkler system. Screen landscaping shall be installed in the 10-foot wide landscaping strips along the east, west, and south boundaries of the commercial portion of the project.
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.
6. That the applicant shall install six fire hydrants and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed prior to the start of construction.

7. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If a trash enclosure is used, it shall be constructed of the same building materials used in the main buildings or as approved by the Director of Planning and Community Development.
8. That only those uses specifically permitted in the Neighborhood Commercial (C-1) Zone shall be permitted to locate within the shopping center.
9. That two freestanding shopping center identification signs shall be permitted, one each on the Pelandale Avenue and Dale Road frontages of the shopping center to identify the shopping center portion of the project. Said freestanding signs shall not exceed 72 square feet in area and 20 feet in height. All additional signs within the shopping center shall comply with the sign requirements of the H-1 Zone. No signs shall be permitted on the westerly and southerly faces of the commercial structures except for the freestanding structures adjacent to the street frontages. All signs identifying the residential portion of the project shall comply with the sign requirements of the R-3 Zone.
10. That all outdoor lighting shall be shielded from adjacent residential areas in accordance with the requirements of the City Engineer.
11. That 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 located on the premises shall be sound-proofed in accordance with the requirements of the Director of Public Works and shall not be located closer than 40 feet to adjacent residentially zoned properties.
12. That all activities in the loading dock areas west and south of the main shopping center structures including the parking of trucks may be conducted only between the hours of 7 a.m. and 10 p.m. of each day.
13. That the loading dock areas west and south of the main shopping center structures may not be used for outside storage of any type of material.
14. That all businesses in the shopping center may be open to the public only between the hours of 7 a.m. and 10 p.m. of each day, seven days a week, unless a use permit is obtained from the Board of Zoning Adjustment, in accordance with the provisions of Article 20 of Chapter 2 of Title X of the Modesto Municipal Code, after a public hearing to allow one or more businesses to open for additional business hours.
15. That the supermarket shall be a minimum size of 20,000 square feet and shall be constructed within the first phase of the shopping center portion of the project, and shall be the first use to open for business.

16. That prior to occupancy of the shopping center, a masonry wall along the south and west sides of the shopping center shall be constructed to an 8-foot height, and a 6 foot high masonry pilaster and board or masonry pilaster and grapestake fence shall be constructed along the west and south boundaries of the apartment portion of the project, prior to occupancy of the project.
17. That prior to obtaining a building permit or upon demand by the City, the developer shall dedicate the required right-of-way to provide 50 feet of right-of-way south of the centerline along the Pelandale Avenue frontage and 50 feet of right-of-way west of the centerline along the Dale Road frontage.
18. That the developer shall improve Pelandale Avenue and Dale Road to major street standards in accordance with the requirements of the Director of Public Works.
19. That prior to the issuance of a building permit the developer shall submit street improvement plans prepared by a registered civil engineer for approval by the City Engineer.
20. That prior to the issuance of a building permit, the developer shall pay to the City of Modesto the cost of planting street trees every 40 feet along the public streets, the total number to be determined by the Director of Public Works.
21. That all public improvements shall be installed prior to occupancy of the premises or by March 1, 1981, whichever occurs first.
22. That public utility easements as required by the utility companies serving the development shall be dedicated by the developer.
23. That in the residential portion of the project, all utilities shall be underground including T.V. reception facilities. No antennas shall be permitted.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Rezoned Planned Development Zone, P-PD( 177 ):

That the construction project be accomplished in two phases with the first phase to include the multiple family residential complex with construction to commence on or before March 1, 1980, and be completed not later than March 1, 1982.

The second phase shall include the neighborhood shopping center with construction to commence on or before March 1, 1981, and be completed not later than March 1, 1984.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance and in strict adherence to the provisions of Article 27 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 rezoning the above-described property to Planned Development Zone, P-PD(177) 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 January, 1978, by Councilmember Kullijian, 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: Dunlap, Elliott, Kullijian, Lang,

NOES: Councilmembers: Mensinger, Siefkin, Mayor Davies

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William B. Richards  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-108

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 2-3-8 OF THE ZONING MAP  
OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED  
THEREON. (MILTON DAVID)

WHEREAS, on January 9, 1978, the City Council  
introduced Ordinance No. 1702-C.S. giving approval to a project  
relating to an amendment to Section Map 2-3-8 of the Zoning Map of the City  
of Modesto, to prezone certain property to Planned Development Zone, P-PD(177)

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the Director of Planning and Community Development of the  
City of Modesto is hereby directed to file or cause to be filed with the  
Stanislaus County Clerk a Notice of Determination in regard to the  
environmental impact of the subject project relating to \_\_\_\_\_  
an amendment to Section Map 2-3-8 of the Zoning Map of the City of Modesto,  
to prezone certain property to Planned Development Zone, P-PD(177)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Mensinger, Siefkin, Mayor Davies

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-109

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (178)

WHEREAS, a verified application for an amendment to Section  
5-3-9 of the Zoning Map was filed by Norman Winsor  
on October 13, 1977, to  
reclassify from Low Density Residential Zone, R-1,  
to Planned-Development Zone, P-D, the following described property:

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

WHEREAS, after public hearing held on November 15, 1977, and continued to December 6, 1977, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The subject property has frontage on Standiford Avenue, a planned 4-lane major street.
2. The subject property is adjacent to a large multiple family residential project.
3. The project, with proposed walls and screen landscaping, will be compatible with the existing residential uses in the vicinity.

WHEREAS, after a public hearing held on January 9, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Norman Winsor for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1703-C.S. on the 9th day of January, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(178).

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 (178), is hereby approved in accordance with the plan title "a 77-unit Apartment Complex for T. H. W. Development Co., Modesto, Ca." \_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on December 6, 1977, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the plot plan titled "A 77-Unit Apartment Complex for T. H. W. Development Co. Modesto, CA", as amended in red on its face, stamped approved by the Planning Commission on December 6, 1977, and on file in the office of the Director of Planning and Community Development.
2. That prior to the issuance of a building permit for the development or for any given section thereof, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved landscaping and irrigation plan. Irrigation shall be by underground sprinkler system. Landscaping along the property's north boundary shall be "screen landscaping".
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.
6. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or of decorative masonry as determined by the Director of Planning and Community Development.

7. That all outdoor lighting within the P-D Zone shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
8. That prior to the issuance of a building permit or upon demand by the City, the developer shall dedicate 10 feet of additional right-of-way to complete Standiford Avenue to a major street standard.
9. That the developer shall improve Standiford Avenue to major street standards in accordance with the requirements of the Director of Public Works.
10. That the public utility easements as required by the utility companies serving the development shall be dedicated.
11. That prior to the issuance of a building permit, the developer shall submit street improvement plans prepared by a registered Civil Engineer for approval by the City Engineer.
12. That prior to the issuance of a building permit for any development, the developer shall pay to the City of Modesto the cost of planting street trees every 40 feet along Standiford Avenue, the total number to be determined by the Director of Public Works.
13. That all public improvements shall be installed prior to occupancy of the premises or by March 1, 1981, whichever occurs first.
14. That the applicant shall install one on-site fire hydrant and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrant shall be installed and operable prior to the start of construction of the project. All vehicle accessways shall be constructed and maintained in accordance with the requirements of the Fire Chief.
15. That all utilities shall be underground including TV reception facilities. No antennas shall be permitted.
16. That all signs shall comply with the R-2 zone sign regulations.
17. That prior to occupancy of any of the dwelling units, the developer shall construct a decorative masonry wall along the westerly and northerly boundaries of the subject property.

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

(178) :

That the construction program shall be accomplished in one phase with construction to begin on or before March 1, 1980, and be completed on or before March 1, 1981.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2,2708 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance and in strict adherence to the provisions of Article 27 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 (178) 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 January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO DESCRIPTION:

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

By William Richards  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-110

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (NORMAN WINSOR)

WHEREAS, on January 9, 1978, the City Council introduced Ordinance No. 1703-C.S. giving approval to a project relating to an amendment to Section Map 8-3-9 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(178)

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 8-3-9 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(178)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM.

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-111

A RESOLUTION APPROVING THE FINAL MAP OF THE  
NORTHWEST PROFESSIONAL CENTER SUBDIVISION OF  
THE CITY OF MODESTO.

WHEREAS, Land Resources Development Corporation Wilson, Sr.,  
a general partnership, is possessed of a tract of land situate in the  
City of Modesto, County of Stanislaus, consisting of 1.570 acres,  
known as the Northwest Professional Center Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission on the 19th day of April, 1977, and

WHEREAS, the final map of said tract has been approved by the  
Secretary of the City Planning Commission, and

WHEREAS, the City Engineer of the City of Modesto has certified  
that the final map of said Northwest Professional Center Subdivision  
meets all of the provisions of the California Subdivision Map Act and  
the provisions of the Modesto Municipal Code relating to subdivisions,  
and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and  
easements as shown thereon within the boundaries of said tract be  
accepted on behalf of the public for public use; and that the City Clerk  
be authorized to certify the map of said tract on behalf of the City  
of Modesto after the fees and deposits required by the Modesto Municipal  
Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Evelyn L. Johnson*  
EVELYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-112

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY OF STANISLAUS FOR THE OVERLAY OF OAKDALE ROAD BETWEEN SYLVAN AVENUE AND PATTERSON ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the County of Stanislaus for the overlay of Oakdale Road between Sylvan Avenue and Patterson 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 9th day of January, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-113

A RESOLUTION AMENDING SECTION 12 OF THE PERSONNEL  
RULES RELATING TO APPEALS AND HEARINGS.

WHEREAS, Section 1202 of Article XII of the Charter of the City of Modesto provides that the Personnel System provided by said Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the City Council upon recommendation of the City Manager, and

WHEREAS, the City Council has reviewed an amendment to Section 12 of the Personnel Rules as recommended by the Personnel Commission and the City Manager and finds that said proposed amendment to Section 12 promotes the purposes and objectives of the Personnel System,

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

SECTION 1. That Section 12 of the Personnel Rules be amended to read as follows:

RULE 12 - APPEALS AND HEARINGS

12.1 Requests for Hearing on Disciplinary Action

Any regular employee holding a position in the classified service shall have the right of appeal to the Personnel Commission for a hearing on any suspension, demotion or dismissal in accordance with the applicable provisions of the Modesto Municipal Code. The Personnel Commission may appoint a Hearing Officer to hear the appeal or the Personnel Commission in its discretion may determine to hear the appeal itself. In any case in which the Personnel Commission hears the appeal itself, the Personnel Commission may utilize the services of a Hearing Officer in ruling upon procedural questions, objections to evidence, and issues of law.

## 12.2 Requests for Investigation

Any regular employee holding a position in the classified service may request an investigation by the Personnel Commission of any alleged violation of the applicable provisions of Chapter 5 of Title II of the Modesto Municipal Code or of the personnel rules. The Commission shall consider the request and determine if an investigation is needed and so inform the employee making the request. The Commission may appoint one or more of its members and/or a Hearing Officer to make the investigation or the Personnel Commission, in its discretion, may determine to make the investigation itself. If an investigation is made, the provisions of Rule 12.3 shall apply.

## 12.3 Personnel Commission and Hearing Officer Responsibility

The Personnel Commission shall be responsible for making investigations and conducting hearings and advising the City Council and the City Manager on personnel matters. In hearing appeals and making investigations the Personnel Commission and its members and Hearing Officers shall proceed in any manner which will, in their judgment, develop all the facts bearing upon the matter before them, and no informality in their action shall constitute just cause for criticism of their findings and recommendations. When the investigation or hearing is completed, the Commission shall furnish certified copies of the Commission's findings and recommendations to persons concerned, keeping one for its permanent record. Any member of the Commission may prepare and submit a minority or supplementary report for the information of the appointing authority and others concerned.

## 12.4 Regulations Governing the Conduct of Hearings on Disciplinary Actions

(a) Hearing Date to be Fixed. Upon the receipt of a demand in writing for a hearing upon charges relating to the suspension, demotion, or dismissal of a city employee, submitted in accordance with the applicable provisions of the Modesto Municipal Code, the Personnel Commission shall either fix a time for a hearing of said charges, or appoint a hearing officer who shall fix a time for said hearing within time limits established by the Commission. Notice of the time and place where the hearing is to be held shall be delivered personally or sent by United States Registered Mail to the employee at his last known address as shown in the personnel records of the city prior to the hearing.

(b) Right of Employee. The employee shall have the right to be represented by counsel, to present any relevant evidence, to request the subpoena of witnesses and relevant documentary evidence, and to cross-examine witnesses.

(c) Oath or Affirmation. No witness shall testify except upon oath or affirmation.

(d) Conduct of Hearing. The hearing shall be informally conducted, and the technical rules of evidence shall not apply, but the evidence shall be restricted to that relevant to the charges. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(e) Right to Examine Employee. If the employee appealing does not testify in his own behalf, he may be subpoenaed and examined as if under cross-examination.

(f) Transcript. The city may employ a competent reporter to record the proceedings. The employee may obtain a copy of such transcript upon paying the cost thereof.

(g) Exclusion of Witnesses. If either party requests it, the Commission, or Hearing Officer if the hearing is before a Hearing Officer, may exclude from the hearing room any witness not at the time under examination so that he may not hear the testimony of other witnesses, but a party to the proceeding may not be so excluded.

(h) Findings and Recommendations of Hearing Officer. Where the hearing is conducted by a Hearing Officer, the Hearing Officer shall at the conclusion of the hearing prepare and file proposed findings and recommendations in such form that they may be adopted by the Personnel Commission as the Commission's findings and recommendations. The proposed findings and recommendations shall be filed by the Hearing Officer with the Secretary of the Personnel Commission within time limits established by the Commission. The Secretary of the Personnel Commission shall furnish a copy thereof to each member of the Commission.

(i) Consideration of Proposed Findings and Recommendations by the Personnel Commission. After proposed findings and recommendations are filed by a Hearing Officer with the Secretary of the Personnel Commission, the Commission shall determine the matter by:

(1) Adopting the proposed findings and recommendations as the Commission's findings and recommendations in their entirety;

(2) Modifying the proposed findings and/or recommendations; or

(3) Rejecting the proposed findings and recommendations in their entirety.

If the Commission adopts or modifies the proposed findings and recommendations, the provisions of Rules 12.3 and 12.4(j) shall be applicable with regards to findings and recommendations of the Commission.

If the Commission rejects the proposed findings and recommendations in their entirety, the Commission shall either decide the matter upon the record, including the transcript, with or without the taking of additional evidence, or it may refer the matter to the same or another Hearing Officer to take additional evidence. If the matter is referred to the same or another Hearing Officer, such Hearing Officer shall, within time limits established by the Commission, prepare proposed findings and recommendations as provided in Rule 12.4(h) upon the additional evidence and upon the transcript and other evidence which are part of the record of the prior hearing.

(j) Findings and Recommendations of the Personnel Commission. Within ten (10) days after adoption of findings and recommendations, the Personnel Commission shall certify said findings and recommendations to the City Manager and to any other official from whose action the appeal was taken and to the employee affected. Such findings and recommendations shall be approved by an affirmative vote of a majority of the entire Commission. Any member or members may prepare and submit a minority or supplementary report for the information of the appointing authority and others concerned.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which

motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-114

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$13,386 FOR SALARIES FOR THREE ADDITIONAL POSITIONS IN THE WORD PROCESSING CENTER

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

GENERAL FUND (101)

FROM: General Reserve (60-800)	\$13,386.00
TO: Word Processing Center, Salaries & Wages, Regular	\$13,386.00

(To provide salaries for three additional positions in the Word Processing Center. See memo to City Manager dated 1/4/78.)

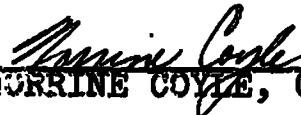
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-115

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT, CARL BAYS, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of claimant, Carl Bays, against the City of Modesto was received on January 9, 1978 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, Carl Bays, against the City of Modesto, received on January 9, 1978 in the office of Norrine Coyle, 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 16th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-116

A RESOLUTION ACCEPTING THE BID OF G & W FORD FOR \$125,698.43 WORTH  
OF AUTOMOTIVE EQUIPMENT

WHEREAS, Resolution No. 77-1178, adopted by the Council of the City of Modesto on November 14, 1977, approved the plans and specifications for the furnishing of automotive and heavy equipment

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of automotive and heavy equipment were opened at 2:00 P.M., December 20, 1977 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 G & W Ford in the amount of \$125,698.43

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of G & W Ford in the amount of \$125,698.43

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 January,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-117

A RESOLUTION ACCEPTING THE BID OF BEST CHEVROLET FOR \$13,124.74 WORTH  
OF AUTOMOTIVE EQUIPMENT

WHEREAS, Resolution No. 77-1178, adopted by the Council of the City of Modesto on November 14, 1977, approved the plans and specifications for the furnishing of automotive and heavy equipment

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of automotive and heavy equipment were opened at 2:00 P.M., December 20, 1977 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 Best Chevrolet in the amount of \$13,124.74

be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Best Chevrolet in the amount of \$13,124.74

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 January,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-118

A RESOLUTION ACCEPTING THE BID OF WESTERN MOTORS FOR \$14,378.37 WORTH  
OF AUTOMOTIVE EQUIPMENT

WHEREAS, Resolution No. 77-1178, adopted by the Council of the City of Modesto on November 14, 1977, approved the plans and specifications for the furnishing of automotive and heavy equipment

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of automotive and heavy equipment were opened at 2:00 P.M., December 20, 1977 and later tabulated by the Director of Finance for the consideration of the Council, and

WHEREAS, the Director of Finance has recommended that the bid of Western Motors in the amount of \$14,378.37

be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Motors in the amount of \$14,378.37

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 January,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-119

A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND FOR \$117,159.22 WORTH OF AUTOMOTIVE EQUIPMENT

WHEREAS, Resolution No. 77-1178, adopted by the Council of the City of Modesto on November 14, 1977, approved the plans and specifications for the furnishing of automotive and heavy equipment and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of automotive and heavy equipment were opened at 2:00 P.M., December 20, 1977 and later tabulated by the Director of Finance for the consideration of the Council, and

WHEREAS, the Director of Finance has recommended that the bid of Dow Hammond in the amount of \$117,159.22 be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dow Hammond in the amount of \$117,159.22 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 January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-120

A RESOLUTION REJECTING BID SUBMITTED ON ITEM 3A OF THE AUTOMOTIVE AND HEAVY EQUIPMENT SPECIFICATIONS, AND OPENED IN THE OFFICE OF THE CITY CLERK ON DECEMBER 20, 1977 AT 2:00 P.M., AND APPROVING NEW SPECIFICATIONS AND BID CALL

WHEREAS, Resolution No. 77-1178 adopted by the Council of the City of Modesto on November 14, 1977, approved the plans and specifications for automotive and heavy equipment and authorized the call for bids, and

WHEREAS, the single bid on Item 3a, two four-door Police station wagons, did not meet specifications, and

WHEREAS, the Director of Finance recommends that the bid be rejected, the specifications modified, and a new bid call be authorized.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid received for Item 3a of the automotive and heavy equipment specifications, and opened in the office of the City Clerk on December 20, 1977 at 2:00 P.M. is hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that a new call for bids for furnishing two four-door Police station wagons to be opened February 14, 1978 at 2:00 P.M. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978 by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-121

A RESOLUTION AUTHORIZING PURCHASING OFFICER TO CANCEL PURCHASE ORDER WITH PITTSBURG FORD, INC. FOR TWO LIGHT UTILITY PICKUP TRUCKS, AND AUTHORIZING THE PURCHASE OF TWO LIGHT UTILITY PICKUP TRUCKS FROM G & W FORD

WHEREAS, Resolution No. 77-665, adopted by the Council of the City of Modesto on June 27, 1977, accepted the bid of Pittsburg Ford, Inc. and authorized the purchase of two 1977 light utility pickup trucks for the total price of \$8,395.69; and

WHEREAS, normal factory delivery for equipment of this nature is four to six weeks, and to date Pittsburg Ford, Inc. has not delivered the trucks; and

WHEREAS, G & W Ford was the low bidder on 1978 light utility pickup trucks; and

WHEREAS, it is the recommendation of staff that the Council authorize the Purchasing Officer to cancel the purchase order with Pittsburg Ford, Inc. and authorize the purchase of the two 1978 light utility pickup trucks from G & W Ford for the amount of \$8,990.69.

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

1. The Purchasing Officer is hereby authorized to cancel the purchase order in the amount of \$8,395.69 with Pittsburg Ford, Inc. for two 1977 light utility pickups.

2. The Purchasing Officer is hereby authorized to purchase two 1978 light utility pickups from G & W Ford for the total price of \$8,990.69.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-122

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN FOR CONSTRUCTION OF  
WATERLINES IN TOWERY PLAZA AND WATERLINE EXTENSION IN GAYLE AVENUE

WHEREAS, Resolution No. 77-1338, adopted by the Council of the City of Modesto on December 27, 1977, approved the plans and specifications for the construction of waterlines in Towery Plaza and waterline extension in Gayle Avenue and authorized the calling for bids, and

WHEREAS, the bids received for the construction of waterlines in Towery Plaza and Waterline Extension in Gayle Avenue were opened at 11:00 A.M. January 10, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Joe Martin in the amount of \$34,879.50

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin in the amount of \$34,879.50

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 16th day of January,

19 78 , by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norine Coyle*  
NORINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-123

A RESOLUTION ACCEPTING THE BID OF FRED J. EARLY, JR., CO., INC. FOR THE INSTALLATION OF ADDITIONAL AERATION UNITS AT OXIDATION PONDS

WHEREAS, Resolution No. 77-1211, adopted by the Council of the City of Modesto on November 21, 1978, approved the plans and specifications for the installation of additional aeration units at oxidation ponds

and authorized the calling for bids, and

WHEREAS, the bids received for the installation of additional aeration units at oxidation ponds were opened at 2:00 P.M., December 22, 1977 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Fred J. Early, Jr., Co., Inc. in the amount of \$994,200 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Fred J. Early, Jr., Co., Inc. in the amount of \$994,200 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 January,


19 78 , by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NOELINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-124

A RESOLUTION ACCEPTING THE CONSTRUCTION OF RESTROOM FACILITIES AT  
CHRYSLER PARK (B. J. Rommel)

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of restroom facilities at  
Chrysler Park  
has been completed by B. J. Rommel

in accordance with the contract agreement dated August 1, 1977

NOW, THEREFORE, BE IT RESOLVED that the construction of  
restroom facilities at Chrysler Park

be accepted from said contractor, B. J. Rommel

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$39,510.00  
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 16th day of  
January \_\_\_\_\_, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-125

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
G.F.F. & R. FOR CONSTRUCTION OF ROAD ON OAKDALE ROAD FRONTAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and G.F.F. & R.  
for construction of road on Oakdale Road frontage

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
January, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-126

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,635 FOR PICK UP TRUCK FOR CONSTRUCTION INSPECTOR

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

SPECIAL FUND FOR CAPITAL OUTLAY (321)

FROM: General Reserve (60-321) \$4,356

TO: PW Capital Outlay

(To cover cost of truck necessary for additional construction inspector position. See memo dated January 10, 1978.)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Nurrine Coyle*  
NURRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-127

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,800 FOR RADIO AND FURNITURE CONSTRUCTION INSPECTOR

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

GENERAL FUND (101)

FROM: General Reserve (60-321)	\$1,800
TO: PW Eng. & Adm. (5495-410-101)	\$1,200
PW Eng. & Adm. (5525-410-101)	\$ 600

(To cover cost of items necessary for additional construction inspector position. See memo dated January 10, 1978.)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-128

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO STATE OF CALIFORNIA DIVISION OF AERONAUTICS FOR STATE AID FROM THE CALIFORNIA AID TO AIRPORTS PROGRAM FOR EXPANSION OF THE GENERAL AVIATION AIRCRAFT PARKING FACILITIES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

WHEREAS, the City of Modesto is eligible for State funding for expansion of the existing general aviation aircraft parking apron under the California State Division of Aeronautics Acquisition and Development Program, and

WHEREAS, the project is estimated to cost \$140,000, of which the State would pay \$126,000 and the City and County share would be \$14,000, and

WHEREAS, matching funds will be available and the Modesto City-County Airport/Harry Sham Field meets the Sponsor Eligibility requirements as set forth in Article II of the State Aid to Airports Program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the submission of an application to the State of California Division of Aeronautics for funds in the amount of \$126,000 for expansion of the general aviation aircraft parking facilities at the Modesto City-County Airport/Harry Sham Field.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the

resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-129  
AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
EMPIRE FIRE DISTRICT FOR FIRE PROTECTION AT THE MODESTO CITY-COUNTY  
AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Empire Fire  
District

for fire protection at the Modesto City-County Airport/Harry Sham  
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 16th day of  
January, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-130

A RESOLUTION REQUESTING THE COUNTY ASSESSOR OF STANISLAUS COUNTY TO PROVIDE THE CITY OF MODESTO WITH AN ESTIMATE OF THE ASSESSED VALUATION OF PROPERTY WITHIN THE CITY FOR THE 1978-79 FISCAL YEAR.

WHEREAS, Section 27421 of the Government Code of the State of California provides that the county assessor in each county in the State of California who is designated to perform the duty of assessing property for a local taxing jurisdiction shall, upon request of the governing body of such jurisdiction, furnish an estimate of the assessed valuation of property within such jurisdiction for the succeeding fiscal year, and

WHEREAS, said Section 27421 of the Government Code requires such a request to be made to the county assessor on or before February 20th of each year, and

WHEREAS, said Section 27421 of the Government Code further provides that upon such a request being made by the governing body of a local taxing jurisdiction, the county assessor shall furnish an estimate of the assessed valuation of property within such jurisdiction not later than May 15th for the succeeding fiscal year,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that in accordance with the provisions of Section 27421 of the Government Code of the State of California, it hereby requests the County Assessor of the County of Stanislaus to furnish the City of Modesto with an estimate of the assessed valuation of property within the City of Modesto for the fiscal year 1978-79.

BE IT FURTHER RESOLVED that the Council requests said estimate referred to above to be furnished to the City Manager of the City of Modesto on or before May 15, 1978, in accordance with the provisions of Section 27421 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-131

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DON WRIGHT AND BARBARA G. WRIGHT AND VERNIE E. BUTLER FOR SEWER SERVICE (2801 Nathan Avenue)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Don Wright and Barbara G. Wright and Vernie E. Butler for sewer service to property outside City limits at 2801 Nathan Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of January, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-132

A RESOLUTION SETTING TIME AND PLACE FOR HEARING APPEAL BY MID-VALLEY ENGINEERING TO PLANNING COMMISSION DECISION REGARDING LOCATION OF PROPOSED HART-RANSOM SCHOOL SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 13, 1978, at 7:50 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of appeal by Mid-Valley Engineering to Planning Commission regarding location of proposed Hart-Ransom School site

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-133

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF JONATHAN S. HOLMAN AS A MEMBER OF THE PERSONNEL COMMISSION

WHEREAS, Jonathan S. Holman was appointed as a member of the Personnel Commission on June 20, 1977; and

WHEREAS, Jonathan S. Holman has tendered his resignation as a member of the Personnel Commission; and

WHEREAS, Jonathan S. Holman has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Jonathan S. Holman as a member of the Personnel Commission is hereby accepted with regret;

BE IT FURTHER RESOLVED that the Council, on its own behalf, and on behalf of the citizens of Modesto, hereby expresses its sincere appreciation to Jonathan S. Holman for his outstanding services 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 January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-134

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN COLLEGE WEST NO. 2

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

SECTION 1. The plans and specifications for construction of waterlines in College West No. 2 copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 7, 1978 at 11:00 A.M. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-135

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING WORD PROCESSING CENTRALIZED DICTATION EQUIPMENT

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

SECTION 1. The plans and specifications for furnishing word processing centralized dictation 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 February 21, 1978 at 2:15 P.M. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-136

A RESOLUTION ACCEPTING THE BID OF GENERAL ELECTRIC FOR FURNISHING  
FOUR POLICE MOTORCYCLE RADIOS

WHEREAS, Resolution No. 77-1258, adopted by the Council of the City of Modesto on December 8, 1977, approved the plans and specifications for the furnishing of four police motorcycle radios

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of four police motorcycle radios were opened at 2:00 P.M., December 27, 1977 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 General Electric in the amount of \$5,524.88

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of General Electric in the amount of \$5,524.88

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 January,

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-137

A RESOLUTION ACCEPTING THE BID OF MAC'S BACKHOE SERVICE FOR CONSTRUCTION OF WATERLINES IN BEYERWOOD EAST NO. 1

WHEREAS, Resolution No. 77-1309, adopted by the Council of the City of Modesto on December 19, 1977, approved the plans and specifications for the construction of waterlines in Beyerwood East No. 1

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of waterlines in Beyerwood East No. 1 were opened at 11:00 A.M., January 3, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Mac's Backhoe Service in the amount of \$53,733.20 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mac's Backhoe Service in the amount of \$53,733.20 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 23rd day of January,

1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-138

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SCENIC-OAKDALE ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY.

WHEREAS, by Resolution No. 77-1301, adopted on December 12, 1977, the Council fixed the 23rd day of January, 1978, at the hour of 7:35 P.M. in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto as the time and place for considering the petition of the owners of not less than one-fourth of the land in the hereinafter described territory by area and by assessed value requesting annexation of said territory to said City, and

WHEREAS, the City Clerk has caused a copy of said Resolution No. 77-1301 to be published in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and in the Riverbank News, a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus, said publications being completed at least twenty (20) days prior to the date set for the hearing, as required by Sections 35307 and 35311 of the Government Code, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, notice has been duly given of said hearing and no person owning real property within said territory appeared at said time and place to protest said annexation and no written protests have been filed prior to final adjournment of the hearing on protests to the proposed

annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that a majority protest against the proposed annexation of said Scenic-Oakdale Addition has not been made and hereby declares its intention to proceed with the annexation of said territory, which is more particularly described as 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 23rd day of January, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Karl Campbell  
Public Works Department

W

SCENIC OAKDALE ADDITION

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

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

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-139

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND  
DIRECTING THE FILING OF A NOTICE OF APPROVAL OF ANNEXATION:

SCENIC-OAKDALE ADDITION

WHEREAS, on January 23, 1978, the City Council introduced Ordinance  
No. 1705-C.S. giving approval to the following annexation: SCENIC-OAKDALE  
ADDITION, and

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus approved  
said annexation on November 22, 1977, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and  
considered the findings of the County of Stanislaus Environmental Review Committee which  
resulted in a negative declaration in regard to the environmental impact of the subject  
annexation.

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 Approval in regard to  
the environmental impact of the following annexation: SCENIC-OAKDALE ADDITION.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-140

A RESOLUTION GRANTING THE APPEAL OF AREA VI DEVELOPMENTAL DISABILITIES BOARD TO CERTAIN CONDITIONS IMPOSED BY THE BOARD OF ZONING ADJUSTMENT DECISION AMENDING A CONDITIONAL USE PERMIT FOR A FAMILY CARE HOME AT 1214 NELSON AVENUE, MODESTO, CALIFORNIA.

WHEREAS, on May 11, 1972, by Resolution No. 434, the Board of Zoning Adjustment granted a conditional use permit to Herlan I. Sawyer for a family care home serving a maximum of six children, 16 years of age and under, on property located at 1214 Nelson Avenue, on the east side of Nelson Avenue, north of Roseburg Avenue, subject to the following condition:

That the applicants shall construct concrete curb, gutter and sidewalk along the Nelson Avenue frontage in accordance with the requirements of the Director of Public Works. The curb, gutter and sidewalk shall be installed by May 25, 1974. Prior to the occupancy of the premises for the proposed use, if the required curb, gutter and sidewalk has not been installed, a cash deposit, savings and loan certificate, surety bond, or other instrument of credit in the amount determined by the City Engineer shall be filed with the City Clerk to guarantee installation of the curb, gutter and sidewalk by May 25, 1974,

and

WHEREAS, on February 24, 1977, by Resolution No. 690, the Board of Zoning Adjustment amended said conditional use permit to allow the family care home to serve 6 young adults aged 18-40 years, to extend the time for installation of curb, gutter, and sidewalk to September 30, 1977, and to add the following condition:

That prior to September 30, 1977, the applicant shall pave to City of Modesto parking area standards the entire driveway and parking area as shown in red on the plan stamped approved by the Board of Zoning Adjustment on May 11, 1972, by Resolution No. 434, which plan is on file in the office of the Director of Planning and Community Development,

and

WHEREAS, an application to further amend said conditional use permit to allow the family care home to serve adults aged 16 to 64 years was filed by the Stanislaus Association for the Retarded on October 6, 1977, and

WHEREAS, a public hearing was held on said application by the Board of Zoning Adjustment in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, on October 27, 1977, and continued to December 15, 1977, and

WHEREAS, the Board of Zoning Adjustment, by Resolution No. 769, adopted on December 15, 1977, granted to the Stanislaus Association for the Retarded an amendment to said conditional use permit to allow the family care home to serve adults aged 18 to 64 years and, by conditions number 1 and 5 of said Resolution No. 769 reaffirmed and granted an extension of time to June 30, 1978 for the installation of curb, gutter and sidewalk and for the paving of the driveway and parking area, and

WHEREAS, the Area VI Developmental Disabilities Board filed an appeal with the City Clerk of the City of Modesto on January 13, 1978 from conditions number 1 and 5 of said Board of Zoning Adjustment Resolution No. 769, which conditions were reinstatements of conditions previously required by Board of Zoning Adjustment Resolutions No. 434 and 690, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California at 7:50 o'clock p.m. on January 23, 1978, at which time evidence both oral and documentary was taken and introduced,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of the Area VI Developmental Disabilities Board from conditions number 1 and 5 of Board of Zoning Adjustment Resolution No. 769 and the similar conditions of Board of Zoning Adjustment Resolutions No. 434 and 690 is hereby granted and the decision of the Board of Zoning Adjustment imposing said conditions is hereby overruled.

BE IT FURTHER RESOLVED that all other provisions of Board of Zoning Adjustment Resolution No. 769 which granted a conditional use permit for a family care home to serve adults aged 18 to 64 years shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: Dunlap, Elliott, Mayor Davies

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-141

A RESOLUTION DECLARING A 1950 VAN PELT PUMPER FIRE TRUCK, EQUIPMENT NO. 85080 SURPLUS TO THE NEEDS OF THE CITY OF MODESTO AND AUTHORIZING THE PURCHASING OFFICER TO SELL TWO SURPLUS PUMPER FIRE TRUCKS TO THE WOODLAND AVENUE FIRE DEPARTMENT VOLUNTEERS

WHEREAS, the City of Modesto is owner of a 1950 Van Pelt pumper fire truck, Equipment No. 85080; and

WHEREAS, by Resolution No. 76-1099 adopted on October 4, 1976, the Modesto City Council declared a 1947 Van Pelt pumper fire truck surplus property; and

WHEREAS, the City of Modesto has received an offer of \$3,000.00 from the Woodland Avenue Fire Department volunteers for the purchase of the two pumper fire trucks; and

WHEREAS, the staff has recommended that the Council consider declaring the 1950 Van Pelt pumper fire truck, Equipment No. 85080, surplus to the City's needs and the Purchasing Officer be authorized to sell the two pumper fire trucks to the Woodland Avenue Fire Department volunteers for the amount of \$3,000.00.

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

1. Equipment No. 85080, a 1950 Van Pelt pumper fire truck, is hereby declared surplus to the City's needs.

2. The Purchasing Officer is hereby authorized to sell the 1947 Van Pelt pumper fire truck declared surplus property by Resolution No. 76-1099 and the 1950 Van Pelt pumper fire truck to the Woodland Avenue Fire Department volunteers for the amount of \$3,000.00.

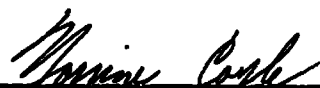
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution

adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-142

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE CARPENTER-HOUSER ADDITION TO  
THE CITY OF MODESTO.

WHEREAS, a written petition was filed under the "Annexation of Uninhabited Territory Act of 1939" and amendments thereto, with the City Council as the Legislative Body of the City of Modesto, a municipal corporation, containing a description of uninhabited territory contiguous to land lying within the boundary of said City of Modesto, and requesting therein that said territory be included in such municipal corporation, and

WHEREAS, said petition was signed by or written consent was filed by the owners of all of the land in the territory to be annexed, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on December 15, 1977, authorize the annexation of said uninhabited territory to the City of Modesto, without notice and hearing by the Legislative Body, pursuant to the Government Code, and

WHEREAS, owners of all of the territory to be annexed have heretofore filed with the Clerk of the Legislative Body, their written consent to have the property to be annexed subjected to taxation after annexation equally with property within the City of Modesto to pay any indebtedness or liability of the City of Modesto outstanding or authorized at the time said territory is annexed, for the acquisition, construction, or completion of municipal improvements, and

WHEREAS, said territory so proposed to be annexed to the City of Modesto is designated as Carpenter-Houser Addition,

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

That the annexation of said uninhabited territory designated as \_\_\_\_\_  
Carpenter-Houser Addition and hereinafter mentioned and described as requested by said petition so filed with said City Council as the Legislative Body of said City of Modesto, be and the same is hereby approved, and said property be and the same is hereby subjected to taxation after annexation equally with property within the City of Modesto to pay any indebtedness of the City of Modesto, outstanding or authorized at the time said territory is annexed, for the acquisition, construction or completion of municipal improvements, and said territory is hereby annexed to, incorporated and included in said City of Modesto, a municipal corporation,

BE IT FURTHER RESOLVED, that the specific description of the boundaries of the territory, the annexation of which is hereby approved, is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED, that no change in school district boundaries shall be effected by reason of the annexation of said territory to the City of Modesto.

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, six certified copies of this resolution, stating the date of its passage; to immediately make six copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 19 78, by

Councilmember Lang, who moved its adoption, which motion being  
duly seconded by Councilmember Elliott, was upon roll call carried and  
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Ros Campbell  
Public Works Department

## CARPENTER - HOUSER ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern boundary of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point being the Western line of Section 31 and the Northern line of 45.00 foot California Avenue;

1. thence along the existing City Limits and the Southern boundary of said Addition (70), North  $89^{\circ} 55' 00''$  East, 693.00 feet;
2. thence leaving the existing City Limits, South  $0^{\circ} 51' 00''$  East, 1357.48 feet to the centerline of 40.00 foot Houser Lane;
3. thence along the centerline of said road, South  $89^{\circ} 44' 43''$  West, 95.33 feet;
4. thence South  $0^{\circ} 13' 47''$  East, 288.63 feet;
5. thence North  $89^{\circ} 44' 43''$  East, 203.00 feet;
6. thence South  $0^{\circ} 07' 43''$  East, 936.26 feet, to the centerline of 40.00 foot Chicago Avenue;
7. thence along the centerline of said road, South  $89^{\circ} 27' 18''$  West, 785.80 feet, to the Western line of Section 31 and the intersection of 90.00 foot Carpenter Road;
8. thence along the range line and Carpenter Road, North  $0^{\circ} 50' 47''$  West, 1248.94 feet, to the intersection of 90.00 foot Carpenter Road and 50.00 foot Houser Lane;
9. thence continuing along Carpenter Road North  $0^{\circ} 51' 00''$  West, 1339.61 feet, to the point of beginning, containing 42.609 acres, more or less.



MODESTO CITY COUNCIL  
RESOLUTION NO. 78-144

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WEST-BEN, INC. FOR SANITARY SEWER ON RUMBLE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and West-Ben, Inc. for sanitary sewer on Rumble 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 23rd day of January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-145

A RESOLUTION APPROVING ISSUANCE OF A PURCHASE ORDER FOR CONSTRUCTION OF  
WATERLINE EXTENSION IN NORWEGIAN AVENUE AT SUNNY VISTA AVENUE

WHEREAS, State law allows informal bids for projects below \$5,000  
but requires Council approval if the amount is over \$3,500; and

WHEREAS, informal bids were opened on January 16, 1978 for con-  
struction of a waterline extension in Norwegian Avenue at Sunny Vista  
Avenue; and

WHEREAS the low bid of \$4,750 submitted by John Cowger is considered  
acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that issuance of a purchase order in the amount of \$4,750 to John Cowger  
for construction of a waterline extension in Norwegian Avenue at Sunny  
Vista Avenue 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 January, 1978, by  
Councilmember Lang, who moved its adoption, which motion being duly  
seconded by Councilmember Elliott, was upon roll call carried and the  
resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-146

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND J. B. GILBERT AND ASSOCIATES FOR PREPARATION OF SUPPLEMENTAL EIR ON WASTEWATER TREATMENT FACILITIES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and J. B. Gilbert and Associates for preparation of supplemental EIR on wastewater treatment facilities be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 January, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-147

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
COUNTY OF STANISLAUS TO RECONSTRUCT A SEGMENT OF STANDIFORD AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and the County of  
Stanislaus

for reconstruction of a segment of Standiford Avenue

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 23rd day of  
January, 19 78, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-148

A RESOLUTION APPROVING THE FINAL MAP OF THE  
GRANDVIEW ACRES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Ernest Ray Threet and Barbara Gail Threet, husband and wife,

and David Cerutti, a single man, and Dean Brenner and Cecilia C. Brenner, husband

and wife,

is (are) possessed of a tract of land situate in the City of Modesto, County of Stanislaus,  
consisting of 7.611 acres, known as the Grandview Acres  
Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of  
the City of Modesto on the 19th day of April, 19 77, 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 Grandview Acres Subdivision meets  
all of the provisions of the California Subdivision Map Act and the provisions of the  
Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said  
final map be approved; that the streets, alleys and easements as shown thereon within the  
boundaries of said tract be accepted on behalf of the public for public use; and that the  
City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto  
after the fees and deposits required by the Modesto Municipal Code in amounts determined  
by the City Engineer have been paid, and subdividers have furnished securities, as set  
forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations  
set forth in Section 66499.3 of the Government Code of the State of California. Said  
securities shall be in forms acceptable to the City Attorney and in the amounts required by  
the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of January, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-149

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL BY ELDON R. HARRISON TO PLANNING COMMISSION DECISION REGARDING REZONING FROM R-1 TO R-3 PROPERTY ON COFFEE ROAD NORTH OF SYLVAN MEADOWS DRIVE.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that February 27, 1978 , at 7:35 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of Eldon R. Harrison's appeal to Planning Commission decision regarding rezoning from R-1 to R-3 property on Coffee Road North of Sylvan Meadows Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-150

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING A GENERAL GOVERNMENT RADIO COMMUNICATIONS SYSTEM.

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

SECTION 1. The plans and specifications for furnishing a general Government Radio Communications 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 March 9, 1978, at 2:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-151

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR CONSTRUCTION OF FIRE STATION NO. 6

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

SECTION 1. The plans and specifications for construction of Fire Station No. 6 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 21, 1978, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-152

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR CONSTRUCTION OF WATERLINES IN LINCOLN SQUARE NO. 5

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

SECTION 1. The plans and specifications for construction of waterlines in Lincoln Square 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 21, 1978, at 11:10 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-153

A RESOLUTION ACCEPTING THE BID OF CHET CUMMINS FOR THE CONSTRUCTION OF UTILITY BUILDING AT REVARO PARK

WHEREAS, Resolution No. 77-1334, adopted by the Council of the City of Modesto on December 27, 1977, approved the plans and specifications for the construction of utility building at Revaro Park

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of utility building at Revaro Park were opened at 11:00 a.m., January 24, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Chet Cummins in the amount of \$39,536 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Chet Cummins in the amount of \$39,536 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 February,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-154

A RESOLUTION ACCEPTING THE BID OF J.L. PRYOR CONSTRUCTION COMPANY  
FOR STREET IMPROVEMENTS, HOUSING TARGET AREA STAGE 2

WHEREAS, Resolution No. 77-1259 , adopted by the Council of the City of Modesto on December 8, 1977 , approved the plans and specifications for the street improvements, housing target area Stage 2

and authorized the calling for bids, and

WHEREAS, the bids received for the street improvements, housing target area Stage 2 were opened at 11:10 a.m. on January 24, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of J.L. Pryor Construction Company, in the amount of \$44,000 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of J.L. Pryor Construction Company, in the amount of \$44,000 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 6th day of February,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-155

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL COMPANY, INC.  
FOR LEFT-TURN SIGNALS AT COFFEE AND BRIGGSMORE.

WHEREAS, Resolution No. 77-1337, adopted by the Council of the City of Modesto on December 27, 1977, approved the plans and specifications for the Left turn signals at Coffee and Briggsmore

and authorized the calling for bids, and

WHEREAS, the bids received for the left-turn signals at Coffee and Briggsmore were opened at 2:00 p.m., January 24, 1978 and later tabulated by the Director of Parking and Traffic for the consideration of the Council, and

WHEREAS, the Director of Parking and Traffic has recommended that the bid of Collins Electrical Company, Inc. in the amount of \$15,900 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Collins Electrical Company, Inc. in the amount of \$15,900 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 6th day of February,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-156

A RESOLUTION ACCEPTING THE BID OF BILL MINENI FOR CONSTRUCTION OF  
WADING POOLS AT COLEMAN F. BROWN PARK AND CHRYSLER PARK

WHEREAS, Resolution No. 77-1304, adopted by the Council of the City of Modesto on December 19, 1977, approved the plans and specifications for the construction of wading pools at Coleman F. Brown Park and Chrysler Park

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of wading pools at Coleman F. Brown Park and Chrysler Park were opened at 11:00 a.m., January 17, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Bill Mineni in the amount of \$78,200

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Bill Mineni in the amount of \$78,200

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 February,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-157

A RESOLUTION ACCEPTING THE CONSTRUCTION OF MISCELLANEOUS PROJECTS AT MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, FAA-ADAP No. 8-06-0153-05 (George Reed, Inc.)

WHEREAS, a report has been filed by the Director of Public Works that the construction of miscellaneous projects at Modesto City-County Airport/Harry Sham Field has been completed by George Reed, Inc.

in accordance with the contract agreement dated June 20, 1977

NOW, THEREFORE, BE IT RESOLVED that the construction of miscellaneous projects at Modesto City-County Airport/Harry Sham Field 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 \$244,503.90 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 February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-158

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (CARVER-SHELDON ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on December 12, 1977, duly adopted Resolution No. 77-1294 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 165 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, February 6, 1978, at the hour of 4:00 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 165 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 165 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 165, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 165, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap,

who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *[Signature]*  
Public Works Department

June 23, 1977

CARVER-SHELDON ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the South half of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of SHELDON ADDITION (335), as per description filed November 10, 1965, as Instrument 21364, Stanislaus County Records;

1. thence along the existing City Limits and Eastern line of said ADDITION (335), NORTH, 496.34 feet;
2. thence leaving the existing City Limits, South  $88^{\circ} 21' 00''$  East, 439.04 feet, to the Western line of MONTCLAIR ADDITION (233), as per description filed June 2, 1969, as Instrument 19185, Stanislaus County Records;
3. thence SOUTH, 328.04 feet, to the Southwestern corner of said ADDITION (233);
4. thence along the Southern line of said ADDITION (233), East, 20.00 feet, to the Northwestern corner of RENEE MANOR ADDITION (139), as per description filed October 18, 1962, as Instrument 39841, Stanislaus County Records;
5. thence along the Western line of said ADDITION (139), SOUTH, 168.94 feet, to the Northeastern corner of CARVER NO. 2 ADDITION (289), as per description filed May 16, 1972, as Instrument 19652, Stanislaus County Records;
6. thence along the Northern line of said ADDITION (289), North  $88^{\circ} 20' 30''$  West, 459.05 feet, to the point of beginning, containing 5.078 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-159

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. ( OAKDALE-SYLVAN NO. 2)

WHEREAS, the Council (herein called the "Council") of the  
City of Modesto (herein called the "City") heretofore on August 15,  
1966, duly adopted Resolution No. 66-543, which was recorded in the  
office of the County Recorder of Stanislaus County on August 16,  
1966, and which established the Modesto Municipal Sewer District  
No. 1, and

WHEREAS, the Council heretofore on December 12,  
1977, duly adopted Resolution No. 77-1296 (herein called the  
"resolution") determining that the public interest and convenience  
require that certain territory designated as Modesto Municipal  
Sewer District No. 1 Annexation No. 166 be annexed to the  
Modesto Municipal Sewer District No. 1, setting forth a general  
description of the area proposed to be annexed, and naming a time  
and place for hearing on annexation of the territory proposed to be  
annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the  
members of the Council voting for and against it, was posted,  
mailed to property owners in the area proposed to be annexed and  
published in the time, form and manner required by the resolution  
and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, February 6, 1978, at the hour of 4:05 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 166 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 166 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 166, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 166, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Kullijian,

who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

January 14, 1977

OAKDALE - SYLVAN NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of OAKDALE-FLOYD ADDITION (265), as per description filed January 5, 1971, as Instrument 192, Stanislaus County Records, said point being the center line of 40.00 foot Oakdale Road at the Southeastern corner of Section 10;

1. thence along the existing City Limits on the South line of Section 10, said line also being the Northern line of said ADDITION (265), South  $89^{\circ} 36' 50''$  West, 2625.35 feet, to the Northeastern corner of COFFEE-FLOYD ADDITION (272), as per description filed June 22, 1971, as Instrument 23064, Stanislaus County Records, said point also being the Southeastern corner of SYLVAN SCHOOL ADDITION (252), as per description filed May 8, 1970, as Instrument 14743, Stanislaus County Records;
2. thence along the Eastern line of said ADDITION (252) and North-South quarter section line of Section 10, North  $0^{\circ} 53' 20''$  West, 412.32 feet, to the Southeastern corner of SYLVAN SCHOOL NO. 2 ADDITION (300), as per description filed January 19, 1973, as Instrument 29981, Stanislaus County Records;
3. thence along the Eastern line of said ADDITION (300) and North-South quarter section line of Section 10, North  $0^{\circ} 53' 20''$  West, 412.33 feet, to the Northeastern corner of said ADDITION (300);
4. thence leaving the existing City Limits along the North-South quarter section line of Section 10, North  $0^{\circ} 53' 20''$  West, 495.57 feet, to the Southwestern corner of Sylvan Village No. 2 Subdivision, as per map filed October 13, 1965 in Volume 21 of Maps, Page 26, Stanislaus County Records;
5. thence North  $89^{\circ} 31' 30''$  East, 1309.79 feet, to the Southeastern corner of said Sylvan Village No. 2 Subdivision, said point being the Southeast corner of the Northwest quarter of the Southeast quarter of Section 10;

6. thence along the East line of the Northwest quarter of the Southeast quarter of Section 10, North  $00^{\circ} 58' 20''$  West, 1320.95 feet, to a point on a South line of OAKDALE-SYLVAN ADDITION (349), as per description filed November 3, 1976, as Instrument 23706, Stanislaus County Records, said point being the Northeast corner of the Northwest quarter of the Southeast quarter of Section 10;
7. thence along the existing City Limits on a Southern line of said ADDITION (349) and the center line of 40.00 foot Sylvan Avenue, said center line being the East-West quarter section line of Section 10, North  $89^{\circ} 26' 30''$  East, 1307.68 feet, to the Southeastern corner of said ADDITION (349);
8. thence leaving the existing City Limits along the East line of Section 10, and the center line of 40.00 foot Oakdale Road, South  $1^{\circ} 06' 00''$  East, 2646.99 feet, to the point of beginning, containing 119.323 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-160

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (ORANGEBURG-CLAUS ADDIITON)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on December 12, 1977, duly adopted Resolution No. 77-1298 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 167 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, February 6, 1978, at the hour of 4:10 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 167 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 167 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 167, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 167, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *[Signature]*  
Public Works Department

October 18, 1976

ORANGEBURG-CLAUS ADDITION

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

Beginning at a point on the existing City Limits as established by the Northeastern corner of SPRING CREEK ADDITION (325), as per description filed January 15, 1975, as Instrument 26879, Stanislaus County Records, said point also being the intersection of the center line of 40.00 foot East Orangeburg Avenue and the center line of 50.00 foot Claus Road, said center line of 50.00 foot Claus Road being the West line of Section 19;

1. thence leaving the existing City Limits along said Western line and said center line of 50.00 foot Claus Road, North  $00^{\circ} 37' 30''$  West, 660.97 feet, to the Westerly extension of the Northern line of the property conveyed to Mike Pedota, et ux, by deed recorded April 10, 1950, as Instrument 8151, Stanislaus County Records;
2. thence along said Northern line of said Pedota property and its Westerly extension, South  $89^{\circ} 27' 29''$  East, 1259.42 feet, to the Western line of 100 foot Modesto Irrigation District Power right-of-way;
3. thence along said Western line, South  $00^{\circ} 30' 56''$  East, 655.15 feet, to a point on the Southern line of said Pedota property;
4. thence along said Southern line, North  $89^{\circ} 43' 19''$  West, 1258.06 feet, to the point of beginning, containing 19.013 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-161

A RESOLUTION GRANTING THE APPEAL OF D. GARY WEST FILED ON BEHALF OF WEST BEN, INC. TO THE DECISION OF THE PLANNING COMMISSION DENYING REZONING FROM HIGHWAY FRONTAGE ZONE, H-1, AND LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D (179) PROPERTY LOCATED ON THE EAST SIDE OF SISK ROAD SOUTH OR RUMBLE ROAD.

WHEREAS, a verified application for an amendment to Section 13-3-3 of the Zoning Map was filed by West Ben, Inc. on November 15, 1977, to reclassify from Highway Frontage Zone, H-1, and Low Density Residential Zone, R-1, to Planned Development Zone, P-D, for construction of a home improvement center, property located on the east side of Sisk Road south of Rumble Road, described as follows:

H-1 to P-D

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

All of Parcel B as shown on Parcel Map, filed for record in Book 26 of Parcel Maps at page 3, Stanislaus County Records.

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

R-1 to P-D

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

BEGINNING at the Northeasterly corner of said Parcel 'B'; thence North 89° 15' East 161.24 feet to the West line of that property described in Deed recorded as Instrument No. 30963 - '67 in Stanislaus County Records; thence South 0° 45' East along said West line 84.52 feet to the Southwest Corner of said property and a point on a non-tangent curve from which a radial line bears North 62° 26' 25" East to the center; thence Southeasterly 316.90 feet along said non-tangent curve concave to the Northeast, having a radius of 1138.43 feet and a central

angle of 15° 56' 57"; thence South 43° 30' 32" East along a tangent line 17.68 feet to the Southerly line of Parcel B as shown on Parcel Map filed for record in Book 21 of Parcel Maps at page 16, Stanislaus County Records; thence South 46° 28' 12" West 114.57 feet to the Southeast corner of Parcel B as shown on Parcel Map filed for record in Book 26 of Parcel Maps at page 3, Stanislaus County Records; thence North 43° 30' 32" West along the Easterly line of the last mentioned Parcel B 17.72 feet; thence Northwesterly 497.29 feet along a tangent curve, concave to the Northeast, having a radius of 1253.00 feet and a central angle of 22° 44' 23", to the point of beginning,

and

WHEREAS, said application was set for a public hearing before the Planning Commission at its meeting of December 20, 1977, in the City Council Chambers, City Hall, 501 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, thereafter the Planning Commission adopted Resolution No. 77-223 determining that rezoning of the property as requested was not required by public necessity, convenience and general welfare for the reasons set forth in said Planning Commission Resolution No. 77-223, and denied the application of West Ben, Inc. for an amendment to Section 13-3-3 of the Zoning Map to rezone the property described from Highway Frontage Zone, H-1, and Low Density Residential Zone, R-1, to Planned Development Zone, P-D, and

WHEREAS, an appeal to the decision of the Planning Commission was filed with the City Council of the City of Modesto by D. Gary West on behalf of West Ben, Inc. by a letter dated December 21, 1977, and

WHEREAS, a public hearing was held on January 23, 1978, by the Council of the City of Modesto, in the City Council Chambers, City Hall, 501 11th Street, Modesto, California to consider said appeal of D. Gary

West filed on behalf of West Ben, Inc. to the Planning Commission's denial of said application, and

WHEREAS, the Council, after hearing and considering evidence both oral and documentary, found and determined that the appeal of D. Gary West filed on behalf of West Ben, Inc. to the decision of the Planning Commission for an amendment to Section 13-3-8 of the Zoning Map to rezone the property described above from Highway Frontage Zone, H-1, and Low Density Residential Zone, R-1, to Planned Development Zone, P-D (179) for construction of a home improvement center, should be granted for the following reasons, and the Council directed that the necessary documents granting the requested rezoning be prepared and presented to it for consideration at its meeting of February 6, 1978:

1. The proposed P-D expands a 300-foot depth parcel to approximately 400-foot depth to accommodate a major hardware store of regional importance, an appropriate use along Freeway 99 at this location near the Vintage Faire Regional Shopping Center.
2. The P-D plot plan with conditions of approval insures neighborhood compatibility.

and

WHEREAS, the Council has introduced Ordinance No. 1708 \_\_\_-C.S. on the 0th day of February 1978, reclassifying the above described property from Highway Frontage Zone, H-1, and Low Density Residential Zone, R-1, to Planned Development Zone, P-D (179),

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

SECTION 1. APPEAL TO PLANNING COMMISSION DECISION. The appeal of D. Gary West on behalf of West Ben, Inc. to the decision of the Planning Commission for an amendment to Section 13-3-8 of the Zoning Map to rezone the property described above from Highway Frontage Zone, H-1, and Low

Residential Zone, R-1, to Planned Development Zone, P-D (179) for construction of a home improvement center, is hereby granted and the decision of the Planning Commission is overruled for the reasons set forth above.

SECTION 2. DEVELOPMENT PLAN. The development plan for Planned-Development Zone, P-D (179), is hereby approved in accordance with the plan titled "Plot Plan Proposed Building for Orchard Supply Hardware", as amended in red on its face, stamped approved by the City Council on February 6, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the plot plan entitled, "Plot Plan Proposed Building For Orchard Supply Hardware," as amended in red on its face, stamped approved by the City Council on February 6, 1978, and on file in the office of the Director of Planning and Community Development.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant for approval by the Director of Parks and Recreation. The landscaping and the irrigation system shall be installed and maintained in accordance with the approved landscaping and irrigation plan. Irrigation shall be by underground sprinkler system. Landscaping adjacent to residentially zoned property shall be "screen landscaping".
3. That all landscaping, fences, and walls shall be maintained, and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved to City standards including the provisions of Sections 10-2.1801, 10-2.1804, 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.

6. That the applicant shall install two fire hydrants and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed prior to the start of construction.
7. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If a trash enclosure is used, it shall be constructed of the same building materials used in the main buildings or as approved by the Director of Planning and Community Development.
8. That all signs within the project shall comply with the sign requirements of the H-1 Zone. No signs shall be permitted on the northeast face of the buildings, adjacent to residentially zoned properties.
9. That all outdoor lighting shall be shielded from adjacent residentially zoned areas in accordance with the requirements of the City Engineer.
10. That prior to occupancy of the commercial facility, a masonry wall along all boundaries of the property adjacent to residential zoning shall be constructed to an 8-foot height.
11. That an emergency vehicle accessway, a minimum, unobstructed width of 20 feet, shall be provided and maintained around the commercial structure.
12. That prior to the issuance of a building permit for any development, the applicant shall record a final parcel map creating the parcel proposed to be developed.
13. That prior to occupancy of the premises, the developer shall install all Sisk Road street improvements to current City of Modesto Standards pursuant to approved improvement plans already on file in the Public Works Department.
14. That public utility easements be dedicated as required by the utility companies serving the development and that the existing 10-foot public utility easement along the easterly property line of the existing parcel be relocated along the proposed new easterly property line.
15. That the loading dock areas northeast of the main shopping center structures may not be used for outside storage of any type of material.

16. That the commercial facility may be open to the public only between the hours of 7 a.m. and 10 p.m. of each day, 7 days a week.
17. That 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 located on the premises shall be sound-proofed in accordance with the requirements of the Director of Public Works and shall not be located closer than 40 feet to adjacent residentially zoned properties.
18. That all activities in the loading dock areas northeast of the main shopping center structures including the parking of trucks may be conducted only between the hours of 7 a.m. and 10 p.m. of each day.
19. That the developer shall provide a vehicular accessway for on-site traffic circulation along the property's northerly boundary for the benefit of the properties to the north of the subject property substantially as shown in red on the subject plot plan in a manner approved by the City Attorney.

SECTION 3. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (170):

That the construction project be accomplished in one phase with development to commence on or before February 1, 1980, and be completed on or before February 1, 1981.

SECTION 4. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2703 of the Modesto Municipal Code.

SECTION 5. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 27 of Title X of the Modesto Municipal Code relating to Planned-Development Zones and

other applicable City laws, rules, regulations and procedures.

SECTION 6. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned-Development Zone, P-D (179) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Evelyn L. Johnson  
EVELYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By John C. Kelly  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-162

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 13-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (WEST BEN. INC. - EAST SIDE OF SISK ROAD SOUTH OF RUMBLE ROAD)

WHEREAS, on February 6, 1978, the City Council introduced Ordinance No. 1708-C.S. giving approval to a project relating to an amendment to Section 13-3-8 of the Zoning Map to reclassify certain property from Highway Frontage Zone, H-1, and Low Density Residential Zone, R-1, to Planned Development Zone, P-D( 179)., and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 13-3-8 of the Zoning Map to reclassify certain property from Highway Frontage Zone, H-1, and Low Density Residential Zone, R-1, to Planned Development Zone, P-D(179).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: ~~None~~ Messinger, Siefkin

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-163

A RESOLUTION GRANTING THE APPEAL FILED BY D. GARY WEST ON BEHALF OF WEST BEN, INC. AND C. J. RUMBLE AND SONS, INC. TO THE DECISION OF THE PLANNING COMMISSION DENYING THE TENTATIVE PARCEL MAP OF PROPERTY LOCATED EAST OF SISK ROAD AND SOUTH OF RUMBLE ROAD AND APPROVING SAID PARCEL MAP.

WHEREAS, the tentative parcel map of property located east of Sisk Road and south of Rumble Road was filed in the office of the Secretary of the Planning Commission on November 15, 1977, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code, and

WHEREAS, the purpose of the parcel map is to combine an existing H-1 zoned parcel with a portion of adjacent R-1 zoned property to create a larger site, designated as Parcel 1 on the tentative parcel map, for a proposed commercial use, and

WHEREAS, the tentative parcel map was filed in conjunction with an application for planned development zoning to allow the commercial use on the combined site, and

WHEREAS, the application for planned development zoning of the combined site, designated as Parcel 1 on the tentative parcel map, was denied by the Planning Commission by Resolution No. 77-228 on December 20, 1977, and

WHEREAS, the Planning Commission, by Resolution No. 77-229, denied said tentative parcel map for the reasons set forth in said Resolution No. 77-229, and

WHEREAS, the decision of the Planning Commission denying the application for Planned Development Zoning, has been overruled by the Council and Planned Development Zone, P-D (179), has been granted by the Council, and

WHEREAS, an appeal was filed with the City Council by D. Gary West on behalf of West Ben, Inc. and C. J. Rumble and Sons, Inc. by a letter dated December 27, 1977, to the Planning Commission denial of said tentative parcel map, and

WHEREAS, said appeal was set for a hearing before the City Council of the City of Modesto at 7:45 o'clock p.m. on January 23, 1978, and

WHEREAS, said hearing was held at said time and place and evidence, both oral and documentary, was presented and considered, and

WHEREAS, the Council found and determined that the appeal of D. Gary West filed on behalf of West Ben, Inc. and C. J. Rumble and Sons, Inc. to the decision of the Planning Commission denying the tentative parcel map of property located east of Sisk Road and South of Rumble Road should be approved and the decision of the Planning Commission denying said parcel map should be overruled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by D. Gary West on behalf of West Ben, Inc. and C. J. Rumble and Sons, Inc. to the decision of the Planning Commission denying the tentative parcel map of property located east of Sisk Road and South of Rumble Road is hereby granted, and the decision of the Planning Commission denying said tentative parcel map is hereby overruled.

and is described as follows:

1. That the proposed parcel map, together with the provisions for the 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 Section 7 (conforming with Section 13000) of the Water Code of the State of California.

That the construction of street improvements along the Rumble Road, Rumble Road, and Lou Ann Drive frontages of the property are necessary for the following reason:

- a. To protect public health and safety.
- b. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

That the parcel map submitted by the Council that delineates parcel boundaries and street frontages is shown in red on the face of the map.

That the following conditions shall apply:

1. That the proposed parcel map shall be approved until such time as the proposed parcel map and street area of Parcel 1 is granted by the City of Modesto in writing.
2. That the street frontage of Parcel 1 shall be improved to City of Modesto collector street standards pursuant to improvement plans on file in the office of the Director of Public Works.
3. That the Rumble Road frontage of Parcels 1 and 3 shall be improved to City of Modesto collector street standards.
4. That the Lou Ann Drive frontage of Parcel 2 shall be improved to 30-foot part-width collector street standards including a street barricade at the southeasterly line of said Parcel 2.

BE IT FURTHER RESOLVED by the Council 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 Sisk Road, Rumble Road, and Lou Ann Drive frontages of the property are necessary by not later than June 20, 1979, 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.

BE IT FURTHER RESOLVED by the Council that said tentative parcel map be and is hereby approved as submitted and as shown in red on the face of the map subject to compliance with the following conditions:

1. That a parcel map shall not be recorded until such time as appropriate zoning for the entire area of Parcel 1 is granted by the City Council and is in effect.
2. That the Sisk Road frontage of Parcel 1 shall be improved to City of Modesto major street standards pursuant to improvement plans on file in the office of the Director of Public Works.
3. That the Rumble Road frontage of Parcels 2 and 3 shall be improved to City of Modesto collector street standards.
4. That the Lou Ann Drive frontage of Parcel 2 shall be improved to 40-foot part-width collector street standards including a street barricade at the southeasterly line of said Parcel 2.

*See Corrected Page*

5. That improvement plans for required improvements along the Rumble Road and Lou Ann Drive frontages of Parcels 2 and 3 shall be prepared by a registered civil engineer and submitted for approval by the City Engineer.
6. That all required street improvements shall be constructed as required by the Municipal Code in conjunction with property development or when required by the City Engineer, whichever time occurs first.
7. That the existing 10-foot public utility easement along the northeastern boundary of existing Parcel "B" shall be abandoned and 10-foot public utility easements shall be dedicated along the northern and eastern boundaries of Parcel 1 and along the southeastern boundary of Parcels 1 and 2 as shown in red on the tentative parcel map.
8. That the property owners shall pay the City of Modesto for the planting of 19 street trees pursuant to Section 4-4.502(g) of the Modesto Municipal Code.
9. That provisions be made for relocation of the Hayworth Drain in an appropriate easement as required by the Modesto Irrigation District and the City Engineer.
10. That a certificate shall be placed on the parcel map giving notice that street improvements were required along the Sisk Road, Rumble Road, and Lou Ann Drive frontages of the property.

BE IT FURTHER RESOLVED by the Council that the Director of Planning and Community Development is hereby directed to file a Notice of Determination in regard to the environmental impact of the proposed parcel map.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember

Elliott    , was upon roll call carried and the resolution adopted  
by the following vote:

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

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-164

A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A MID-BLOCK CROSSWALK ON 12TH STREET BETWEEN NEEDHAM AND M.

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 Director of Parking and Traffic 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:

12th Street between Needham and M.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 165

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDREW E. PERRY AND ACCEPTING GRANT DEED FOR THE PURCHASE OF 0.05<sup>±</sup> ACRES OF RIGHT OF WAY NEEDED FOR THE PRESCOTT-BRIGGSMORE TO PEACH PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Andrew E. Perry for the purchase of 0.05<sup>±</sup> acres of right of way needed for the Prescott-Briggsmore to Peach project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-166

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ROE W. DERBY, JR. AND DOROTHY DERBY AND ACCEPTING GRANT DEED FOR THE PURCHASE OF 0.06± ACRES OF RIGHT OF WAY NEEDED FOR THE SCENIC-COUNTY HOSPITAL TO SONOMA PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Roe W. Derby, Jr. and Dorothy Derby for the purchase of 0.06± acres of right of way needed for the Scenic-County Hospital to Sonoma project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-167

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
ROBERT SCHOETTLER FOR COMMUNITY CENTER CONSULTATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the <sup>amended</sup> agreement between the City of Modesto and Robert  
Schoettler  
for Community Center consultation

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said <sup>amended</sup> agreement  
by the designated 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  
February, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 168

A RESOLUTION AUTHORIZING CERTAIN NAMED OFFICERS AND EMPLOYEES OF THE CITY OF MODESTO TO BRING CLAIMS ON BEHALF OF THE CITY, AND TO DEFEND AGAINST CLAIMS BROUGHT AGAINST THE CITY, IN THE STANISLAUS COUNTY MUNICIPAL COURT, SMALL CLAIMS DIVISION.

WHEREAS, many of the claims brought on behalf of the City of Modesto are most effectively prosecuted through the Stanislaus County Municipal Court, Small Claims Division, and

WHEREAS, many of the claims brought against the City of Modesto are brought through the said Small Claim Court, and

WHEREAS, it appears to the Council of the City of Modesto that it is desirable and necessary to authorize officers and employees of the City to act for and in its behalf in the Stanislaus County Municipal Court, Small Claims Division, and

WHEREAS, it further appears that Norrine Coyle, Judy Hall, Charles Bird, Pete Brock, John Schirra, Vi DiFrancia, and Marlene Jackson are suitable individuals for such authorization,

NOW, THEREFORE, BE IT RESOLVED that Norrine Coyle, Judy Hall, Charles Bird, Pete Brock, John Schirra, Vi DiFrancia, and Marlene Jackson be and are hereby appointed and authorized to appear for and on behalf of the City of Modesto to prosecute and defend all claims on behalf of or against the City which are filed in the Stanislaus County Municipal Court, and

BE IT FURTHER RESOLVED, that those above named officers and employees employed in the office of the City Clerk, to wit: Norrine Coyle and Judy Hall, are further authorized and empowered to accept service of process issued by said Court on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-169

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF ONE GALION MINI ROAD PLANER FROM HORTON EQUIPMENT COMPANY

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one Galion mini road planer is hereby waived.

BE IT FURTHER RESOLVED that purchase of one Galion mini road planer from Horton Equipment for the total price of \$38,981.50 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 February, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-170

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
LESLIE E. FOSTERMAN AND MARY T. FOSTERMAN FOR SEWER SERVICE  
(1404 California Avenue)

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Leslie E. Foster-  
man and Mary T. Fosterman  
for sewer service to property outside City limits at 1404 California  
Avenue  
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 6th day of  
February, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-171

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
NORMAN J. WINSOR AND LOLA JEAN WINSOR FOR SEWER SERVICE (2849  
Scenic Bend)

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Norman J. Winsor  
and Lola Jean Winsor  
for sewer service to property outside City limits at 2849 Scenic  
Bend  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
February, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-172

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 30-3-9 OF THE ZONING MAP (Jerry B. Holland)

WHEREAS, the Modesto City Planning Commission held a public hearing on January 17, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 30-3-9 of the Zoning Map to rezone from R-1 to R-3, property located at the northwest corner of Emerald Avenue and Maze Boulevard.  
the following described property:

SEE EXHIBIT "A" ATTACHED

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-15 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 30-3-9 of the Zoning Map be set for March 13, 1978, at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

ALL that portion of Lot 19 of Maze Ranch Subdivision, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 19, 1909, in Volume 4 of Maps, Page 18, described as follows:

COMMENCING at the South quarter corner of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North 89° 45' 30" West along the Southerly line of said Section 30, a distance of 20.00 feet to the Southeast corner of Lot 19 of said Maze Ranch Subdivision and being the true point of beginning of this description; thence continue North 89° 45' 30" West and being along the center line of Maze Boulevard a distance of 202.62 feet, thence North 0° 14' 30" East, a distance of 200.00 feet; thence South 89° 45' 30" East parallel with the Southerly line hereof, a distance of 200.02 feet to a point on the East line of said Lot 19 and being in the centerline of Emerald Avenue; thence South 0° 30' 15" East along last mentioned line, a distance of 200.00 feet to the true point of beginning.

EXCEPTING that portion of property lying within the Maze Boulevard right-of-way which is zoned R-A.

EXHIBIT "A"

Sec. 30-3-9  
(Holland)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-173

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 18-3-7 OF THE ZONING MAP (James A. Davidson)

WHEREAS, the Modesto City Planning Commission held a public hearing on January 17, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 18-3-7 of the Zoning Map to rezone from R-1 to R-2 property located on the east side of Prescott Road, extending south from Rumble Road.

the following described property:

SEE EXHIBIT "A" ATTACHED

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-17 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 18-3-7 of the Zoning Map be set for March 6, 1978, at 4:05 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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

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

EXHIBIT "A"

Sec. 18-3-7  
(Davidson)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-174

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP (Robert L. Breckenridge)

WHEREAS, the Modesto City Planning Commission held a public hearing on January 17, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 27-3-9 of the Zoning Map to rezone from C-1 to R-3, property located on east side of Santa Barbara, south of LaLoma, south of Miller Avenue extension the following described property:

SEE ATTACHED EXHIBIT "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-16 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 27-3-9 of the Zoning Map be set for March 13, 1978, at 7:35 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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

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

EXHIBIT "A"

Sec. 27-3-9  
(Breckenridge)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-175

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO P-D(125)  
(James C. Sorenson, Inc.)(GEMCO)

WHEREAS, the Modesto City Planning Commission held a public hearing on January 17, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to P-D(125) to permit an increase in the buildable space for commercial use and recommending approval of a revised plot plan.

the following described property:

The West side of McHenry Avenue, North of Woodrow Avenue and south of Standiford Avenue

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-18 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to ~~Section~~ P-D(125) of the Zoning Map be set for March 6, 1978, at 4:10 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-176

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,450 FROM GENERAL RESERVE TO ACCOUNT 6312-270-321, CHRYSLER NEIGHBORHOOD PARK - STAGE 3

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

FROM: GENERAL RESERVE \$4,450  
TO: CHRYSLER NEIGHBORHOOD PARK/STAGE 3 \$4,450  
(6312-270-321)

Training pool construction bids were opened and budgeted funds are inadequate because of materials and cost increases in pool equipment and because of increased construction costs to meet health standard requirements. Additional funds now required are currently budgeted for in the 1978-1979 fiscal year CIP budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-177

A RESOLUTION APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT AS  
A REPRESENTATIVE FOR THE PLANNING COMMISSION (Charles Jolitz)

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

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

SECTION 1. The following person is hereby appointed to the Board  
of Zoning Adjustment as a representative for / for the respective  
term as indicated: (Term ending December 31, 1978)

Charles E. Jolitz  
804 Carmel Drive  
Modesto, Ca. 95354

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

The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 6th day of February,  
1978, by Councilmember Dunlap, who moved its adoption,  
which motion being duly seconded by Councilmember Siefkin, was  
upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-178

A RESOLUTION APPOINTING AS CHAIRPERSON OF USER COMMITTEE NO. 1 AND TO SEAT NO. 7 OF THE CITIZEN'S HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE, DON BERNARD (REPLACING LOUISIANA CURREY), TERM TO EXPIRE 6-30-81

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 as Chairperson of User Committee No. 1 and to Seat No. 7 of Citizen's Housing and Community Development Committee for the respective term as indicated:

Don Bernard (Term ending 6/30/81)  
305 Walnut Street  
Modesto, Ca. 95351

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed Chairperson of User Committee No. 1 and to Seat No. 7 of Citizen's 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 February, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-179

A RESOLUTION APPOINTING MEMBERS OF THE YOUTH COMMISSION, ELLEN MORALES, SHANNE SMITH, PAM ISON, URSULA SPANI, AND DENISE ALLOWAY FOR A TERM EXPIRING 12-1-78

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

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

SECTION 1. The following persons/ <sup>are</sup> hereby appointed to the Youth Commission for the respective term as indicated:

See Exhibit "A" Attached

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of February, 1978, by Councilmember Kulligian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

Ellen Morales  
2813 Hampshire Lane  
Modesto, 95354

Term to Expire 12-1-78

Shanne Smith  
500 Colebrook Court  
Modesto, 95350

Term to Expire 12-1-78

Pam Ison  
1729 Angeline Drive  
Modesto, Ca.

Term to Expire 12-1-78

Ursula Spani  
1148 House Lane  
Modesto, Ca. 95351

Term to Expire 12-1-78

Denise Alloway  
2604 Maxine  
Modesto, Ca. 95355

Term to Expire 12-1-78

EXHIBIT "A"

Res. 78-179  
(Youth Com.)

A RESOLUTION REAPPOINTING MEMBERS OF THE BOARD OF APPEALS, CHARLES PLASTER, TERM EXPIRING 1-1-82; BOARD OF ZONING ADJUSTMENT, HAROLD SCHULENBERG, TERM EXPIRING 1-1-82; CULTURE COMMISSION, RICHARD BELT, TERM EXPIRING 1-1-82; PERSONNEL COMMISSION, GEORGANNE GREENE, TERM EXPIRING 1-1-82; PLANNING COMMISSION, LAWRENCE B. MARTIN AND DAVID RYAN, TERMS EXPIRING 1-1-82

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 Appeals, Board of Zoning Adjustment, Culture Commission, Personnel Commission, and Planning Commission, for the respective term as indicated:

Charles Plaster, Board of Appeals, Term expires 1-1-82  
Richard Belt, Culture Commission, Term expires 1-1-82  
Harold Schulenberg, Board of Zoning Adjustment, Term expires 1-1-82  
Georganne Greene, Personnel Commission, Term expires 1-1-82  
Lawrence B. Martin & David Ryan, Planning Commission, Term expires 1-1-82

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Board of Appeals, Board of Zoning Adjustment, Culture Commission, Personnel Commission, and 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 February, 1978. by Councilmember Kullijian, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-181

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING REPLACEMENT FIRE HOSE

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

SECTION 1. The plans and specifications for furnishing replacement fire hose

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 28, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyze  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-182

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PAVING OF THE SOUTHWEST PORTION OF THE CITY OF MODESTO SERVICE YARD

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

SECTION 1. The plans and specifications for paving of the southwest portion of the City of Modesto service yard copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 7, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-183

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR THE CONSTRUCTION OF WATERLINES IN PRESCOTT HOMES

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

SECTION 1. The plans and specifications for the construction of waterlines in Prescott Homes copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 28, 1978, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-184

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN "E" STREET, BURNEY STREET, WALDEN STREET, AND JAMES STREET

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

SECTION 1. The plans and specifications for construction of waterlines in "E" Street, Burney Street, Walden Street, and James Street copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on February 28, 1978, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-185

A RESOLUTION ACCEPTING THE BID OF WESTERN PIPELINE CO., INC. FOR  
THE CONSTRUCTION OF WATERLINES IN COLLEGE WEST NO. 2

WHEREAS, Resolution No. 78-134 , adopted by the Council of the  
City of Modesto on January 23, 1978 , approved the plans and speci-  
fications for the construction of waterlines in College West No. 2

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of waterlines  
in College West No. 2  
were opened at 11:00 a.m., February 7, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and

WHEREAS, the Director of Public Works has recommended that  
the bid of Western Pipeline Co., Inc. in the amount of \$30,919.30  
be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Western Pipeline Co., Inc. in the amount of \$30,919.30  
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 13th day of February.

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-186

A RESOLUTION ACCEPTING THE CONSTRUCTION OF AIR CONDITIONING AND HEATING SYSTEM AT FIRE STATION NO. 1 (Dwight Lang's Enterprises)

WHEREAS, a report has been filed by the Director of Public Works that the construction of air conditioning and heating system at Fire Station No. 1 has been completed by Dwight Lang's Enterprises

in accordance with the contract agreement dated July 18, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of air conditioning and heating system at Fire Station No. 1 be accepted from said contractor, Dwight Lang's Enterprises that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$62,523.00 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 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-187

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF FIRE STATION NO. 6 AND RESCINDING PRIOR CALL FOR BIDS

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

SECTION 1. The plans and specifications for construction of Fire Station No. 6, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 21, 1978 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.

BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 78-151, adopted on the 6th day of February, 1978, which set the bid opening date for February 21, 1978, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-188

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PAUL M. ZAGARIS)

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WHEREAS, on February 13, 1978, the City Council introduced Ordinance No. 1710-C.S. giving approval to a project relating to an amendment to Section Map 22-3-9 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Medium-High Density Residential Zone, R-3, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 22-3-9 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Medium-High Density Residential Zone, R-3.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES· Councilmembers: None

ABSENT· Councilmembers: Elliott

ATTEST· *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM·

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-189

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 16-3-9 OF THE ZONING MAP  
OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY  
LOCATED THEREON. (HARRY G. AND HILDA RUSSELL)

WHEREAS, on February 13, , 1978, the City Council  
introduced Ordinance No. 1711 -C.S. \_\_\_\_\_ giving approval to a project  
relating to an amendment to Section Map 16-3-9 of the Zoning Map to reclassify  
certain property from Low Density Residential Zone, R-1, to Professional Office  
Zone, P-0

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the Director of Planning and Community Development of the  
City of Modesto is hereby directed to file or cause to be filed with the  
Stanislaus County Clerk a Notice of Determination in regard to the  
environmental impact of the subject project relating to \_\_\_\_\_  
an amendment to Section Map 16-3-9 of the Zoning Map to reclassify certain  
property from Low Density Residential Zone, R-1, to Professional Office Zone,  
P-0

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST.

  
\_\_\_\_\_  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM.

By

  
\_\_\_\_\_  
ELWYN L JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-190

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS YELLOWSTONE-TEMPERATE ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY.

WHEREAS, by Resolution No. 77-1302, adopted on December 12, 1977, the Council fixed the 23rd day of January, 1978, at the hour of 7:40 P.M. in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto as the time and place for considering the petition of the owners of not less than one-fourth of the land in the hereinafter described territory by area and by assessed value requesting annexation of said territory to said City, and

WHEREAS, the City Clerk has caused a copy of said Resolution No. 77-1302 to be published in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and in the Ceres Courier a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus, said publications being completed at least twenty (20) days prior to the date set for the hearing, as required by Sections 35307 and 35311 of the Government Code, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

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

WHEREAS, notice has been duly given of said hearing and one person owning real property within such territory appeared to protest said annexation and two written protests have been filed prior to final

adjournment of the hearing on protests to the proposed annexation, which protests represented less than fourteen (14%) percent of the value of the territory proposed to be annexed as shown by the last equalized assessment roll.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that a majority protest against the proposed annexation of said Yellowstone-Temperate Addition has not been made and hereby declares its intention to proceed with the annexation of said territory, which is more particularly described as 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 February, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Ken Campbell*  
Public Works Department

YELLOWSTONE - TEMPERATE ADDITION

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

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

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-191

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND  
DIRECTING THE FILING OF A NOTICE OF APPROVAL OF ANNEXATION:  
YELLOWSTONE-TEMPERATE ADDITION.

WHEREAS, on February 13, 1978, the City Council introduced Ordinance  
No. 1712-CS giving approval to the following annexation: Yellowstone-Temperate  
Addition, and

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus approved  
said annexation on November 22, 1978, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and  
considered the findings of the County of Stanislaus Environmental Review Committee which  
resulted in a negative declaration in regard to the environmental impact of the subject  
annexation.

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 Approval in regard to  
the environmental impact of the following annexation: Yellowstone-Temperate Addition.

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

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-192

A RESOLUTION GRANTING THE APPEAL FILED BY DENNIS E. WILSON OF MID VALLEY ENGINEERING ON BEHALF OF DEVELOPERS WHO OPPOSE AN ELEMENTARY SCHOOL SITE AND NEIGHBORHOOD PARK SITE AT THE NORTHWEST CORNER OF THE WOODLAND AVENUE-ROSEMORE AVENUE INTERSECTION WITHIN THE WOODLAND NEIGHBORHOOD AND OVERRULING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, the Board of Education of the Hart Ransom School District has determined the need for an elementary school site within the Woodland Neighborhood, and

WHEREAS, the State Government Code requires a report and recommendation to be made by the local Planning Commission in regard to acquisition of school sites, and

WHEREAS, the Modesto Urban Area General Plan calls for neighborhood park sites adjacent to elementary schools, and

WHEREAS, the Modesto City Planning and Community Development Department prepared a report dated 12/77 outlining alternatives for the location of a school and neighborhood park in the Woodland Neighborhood and recommended a site at the northwest corner of the Woodland Avenue-Rosemore Avenue intersection which was approved by the Hart Ransom School District Board of Trustees and the Modesto Parks and Recreation Department, and

WHEREAS, at the Planning Commission meeting held on December 20, 1977, the Planning Commission, by Resolution No. 77-230, approved the proposed elementary school and neighborhood park site at the northwest corner of the Woodland Avenue-Rosemore Avenue intersection within the Woodland Neighborhood, and

WHEREAS, at the Planning Commission meeting held on January 3, 1978, the Planning Commission again considered the proposed elementary school and neighborhood park site at the northwest corner of the Woodland Avenue-Rosemore Avenue intersection within the Woodland Neighborhood and, by failure to approve a motion to rescind said action, reaffirmed the action it had taken at its meeting on December 20, 1977, by Resolution No. 77-230, approving said proposed school and park site, and

WHEREAS, an appeal was filed with the City Council by a letter dated January 13, 1978, by Dennis E. Wilson of Mid Valley Engineering on behalf of the developers who own property in the area and oppose the elementary school site and neighborhood park site approved by the Planning Commission, and

WHEREAS, said appeal was set for a hearing before the City Council of the City of Modesto on February 13, 1978, at 7:50 o'clock p.m., and

WHEREAS, said hearing was held at said time and place and evidence, both oral and documentary, was presented and considered, and

WHEREAS, the Council found and determined that the appeal of Dennis E. Wilson of Mid Valley Engineering filed on behalf of developers who own property in the area and oppose an elementary school site and neighborhood park at the northwest corner of the Woodland Avenue-Rosemore Avenue intersection within the Woodland Neighborhood should be granted and the decision of the Planning Commission overruled for the reasons hereinafter set forth,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Dennis E. Wilson of Mid Valley Engineering on behalf of developers who oppose an elementary school site and neighborhood park site at the northwest corner of the Woodland Avenue-Rosemore Avenue intersection within the Woodland Neighborhood is hereby granted and the decision of the Planning Commission approving said elementary school site and neighborhood park site at said location is hereby overruled for the following reasons:

1. The school site and park site approved by the Planning Commission, with its proposed configuration, is not the most appropriate school site and park site in the Woodland Neighborhood.
2. There are other possible sites that are more appropriate school and park sites in the Woodland Neighborhood.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 168.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, March 27, 1977, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 168.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The Western line of Palmilla Drive at the Southern line of the Annexation.
- (2) The Eastern line of Palmilla Drive at the Southern line of the Annexation.
- (3) The Eastern line of Tealeaf Drive at the Southern line of the Annexation.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 168, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Roro Campbell*  
Public Works Department

## PALMILLA DRIVE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of STANDIFORD-TULLY NO. 1 ADDITION (309), as per description filed August 28, 1973, as Instrument 8127, Stanislaus County Records:

1. thence along the existing City limits on the Northern line of said Addition (309), North  $89^{\circ} 39' 40''$  West, 1,398.05 feet;
2. thence along a Northern line of said Addition (309), North  $63^{\circ} 01' 40''$  West, 50.00 feet;
3. thence along a Northern line of said Addition (309), North  $39^{\circ} 28' 40''$  West, 47.44 feet;
4. thence leaving the existing City limits, at the southerly right-of-way line of Modesto Irrigation District Lateral No. 6, said point being on a curve from which a radial line bears North  $30^{\circ} 35' 08''$  West;
5. thence Northeasterly along said tangent curve concave to the Northwest, having a radius of 367.9 feet; a central angle of  $9^{\circ} 27' 52''$ , and a curve length of 60.77 feet;
6. thence North  $49^{\circ} 57' 00''$  East, along said southerly right-of-way line of Lateral No. 6, 968.88 feet;
7. thence Northeasterly along said tangent curve concave to the Southwest, having a radius of 242.9 feet; a central angle of  $17^{\circ} 16' 00''$ , and a curve length of 80.19 feet;
8. thence along said Southerly right-of-way line of Lateral No. 6, North  $67^{\circ} 13' 00''$  East, 808.17 feet, to the Westerly right-of-way line of the Tidewater Southern Railroad;
9. thence along the said Westerly right-of-way line, South  $1^{\circ} 30' 00''$  East, 1,002.94 feet to the point of beginning, containing 21 acres more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on February 13, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Dunlap, and adopted by the following vote:

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

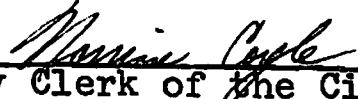
NOES: Councilmen: None

ABSENT: Councilmen: Elliott

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: February 13, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-194

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (CALIFORNIA-PANAMA ADDITION)

WHEREAS, there has been annexed to the City of Modesto on December 30, 1977, certain territory known as California-Panama Addition, and

WHEREAS, the inclusion of the area contained in California-Panama Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

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

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as California-Panama Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 169.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, March 27, 1978, at the hour of 7:35 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 169.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The Northern line of California Avenue at the Western line of the ANNEXATION.
- (2) The Northern line of California Avenue at the Eastern line of the ANNEXATION.
- (3) The Northern line of Houser Avenue at the Southern line of the ANNEXATION.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(SEAL)

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 169, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Paul Campbell*  
Public Works Department

(SEAL)

October 27, 1977  
October 12, 1977  
October 3, 1977  
September 20, 1977

CALIFORNIA - PANAMA ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern boundary of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point being 1,302.47 feet West of the interior corner of Section 31 on the Southern boundary of said Addition (70):

1. thence along the existing City Limits on the Southern line of said Addition (70), North  $89^{\circ} 55' 00''$  East, 660.00 feet, to the centerline of 40.00 foot Panama Drive;
2. thence leaving the existing City Limits along the centerline of Panama Drive, South  $00^{\circ} 04' 17''$  East, 1355.11 feet to the centerline of 40.00 foot Houser Lane;
3. thence along the centerline of Houser Lane, South  $89^{\circ} 44' 43''$  West, 314.00 feet;
4. thence North  $00^{\circ} 04' 17''$  West, 200.00 feet;
5. thence South  $89^{\circ} 55' 00''$  West, 346.00 feet;
6. thence North  $00^{\circ} 04' 17''$  West, 1156.05 feet, to the point of beginning, containing 18.954 acres, more or less.

(SEAL)

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on February 13 19 78, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Dunlap, and adopted by the following vote:

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

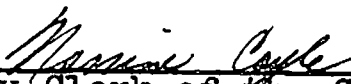
NOES: Councilmen: None

ABSENT: Councilmen: Elliott

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: February 13, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-195

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (ORANGEBURG-FRANSEN ADDITION)

WHEREAS, there has been annexed to the City of Modesto on December 30, 1977, certain territory known as Orangeburg-Fransen Addition, and

WHEREAS, the inclusion of the area contained in Orangeburg-Fransen Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

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

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Orangeburg-Fransen Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 170.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, March 27, 1978, at the hour of 7:40 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 170.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) Northwest corner of the annexation at the south side of East Orangeburg Avenue.
- (2) The northeast corner of the annexation at the south side of East Orangeburg Avenue.
- (3) The southeast corner of the annexation.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 170, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Ross Campbell*  
Public Works Department

(SEAL)

Corrected Nov. 21, 1977  
Corrected Sept. 8, 1977  
August 9, 1977

ORANGEBURG-FRANSEN ADDITION

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

Beginning at a point on the existing City Limits as established by the Southwestern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per map filed May 8, 1975, as Instrument 43098, Stanislaus County Records;

1. thence along the existing City Limits on a Northern line of SPRING CREEK ADDITION (325), as per map filed January 15, 1975, as Instrument 26879, Stanislaus County Records, South  $64^{\circ} 37' 34''$  West 359.98 feet;
2. thence along an Eastern line of ORANGEBURG-LILLIAN ADDITION (302), as per map filed March 22, 1973, as Instrument 40448, Stanislaus County Records, North  $0^{\circ} 52' 54''$  West 1322.68 feet;
3. thence leaving the existing City Limits along the center line of 40.00 foot East Orangeburg Avenue North  $89^{\circ} 21' 00''$  East, 328.06 feet;
4. thence along the Western line of said Addition (331) South  $0^{\circ} 51' 30''$  East, 1172.11 feet, to the point of beginning, containing 9.387 acres, more or less.

(SEAL)

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on February 13 19 78, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Dunlap, and adopted by the following vote:

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

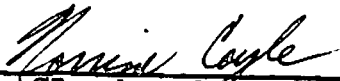
NOES: Councilmen: None

ABSENT: Councilmen: Elliott

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: February 13, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-196

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. ( PARADISE-ROUSE ADDITION)

WHEREAS, there has been annexed to the City of Modesto on December 30, 1977, certain territory known as Paradise-Rouse Addition, and

WHEREAS, the inclusion of the area contained in Paradise-Rouse Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

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

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Paradise-Rouse Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 171.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, March 27, 1978, at the hour of 7:45 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 171.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) A southwest corner of the annexation at the north line of Rouse Avenue.
- (2) A northwest corner of the annexation at the south line of Paradise Road.
- (3) A northeast corner of the annexation at the north line of Rouse Avenue.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 171, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Ross Campbell*  
Public Works Department

PARADISE-ROUSE ADDITION

All that real property in the State of California, County of Stanislaus, being portions of the Northeast quarter of Section 6, Township 4 South, Range 9 East, and the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southernmost point of the GANT ADDITION (138), as per description filed October 18, 1962, as Instrument 39842, Stanislaus County Records, said point being the Northwestern corner of PARADISE CENTER NO. 2 ADDITION (92), as per description filed April 14, 1959, as Instrument 10647, Stanislaus County Records, said point also being the Northernmost point of NAVON ADDITION (110), as per description filed June 29, 1960, as Instrument 18294, Stanislaus County Records, said point also being on the Southeastern line of 66.00 foot Paradise Road;

1. thence along the Northwestern line of said ADDITION (110) and Southeastern line of said 66.00 foot Paradise Road, South  $49^{\circ} 17' 00''$  West, 379.47 feet, to the Westernmost point of said ADDITION (110), said point being the Southeastern corner of said 66.00 foot Paradise Road and 60.00 foot Chicago Avenue, said point also being on the boundary of PARADISE CENTER ADDITION (80), as per description filed May 21, 1958, as Instrument 12573, Stanislaus County Records;
2. thence along a Northwestern line of said ADDITION (80) and continuing along said Southeastern line of 66.00 foot Paradise Road, South  $49^{\circ} 17' 00''$  West, 957.23 feet;
3. thence continuing along the boundary of said ADDITION (80) South  $89^{\circ} 05' 00''$  West, 12.50 feet;
4. thence South  $49^{\circ} 17' 00''$  West, 111.66 feet, to the Western line of said ADDITION (80);
5. thence along said Western line, South  $01^{\circ} 00' 00''$  East, 375.45 feet, to the Southwestern corner of said ADDITION (80);
6. thence along the Southern line of said ADDITION (80), North  $89^{\circ} 00' 00''$  East, 190.00 feet, to a Northwestern corner of HUDSON-UCCELLO ADDITION (51), as per description filed August 28, 1953, as Instrument 21233, Stanislaus County Records;
7. thence along the boundary of said ADDITION (51), South  $01^{\circ} 00' 00''$  East, 164.00 feet;
8. thence South  $89^{\circ} 00' 00''$  West, 190 feet;
9. thence South  $01^{\circ} 00' 00''$  East, 696.32 feet, to the Southwestern corner of said ADDITION (51), said Southwestern corner being on the Northern line of 60.00 foot Rouse Avenue;

10. thence along the Southern line of said ADDITION (51) and said Northern line of 60.00 foot Rouse Avenue, North  $89^{\circ} 00' 00''$  East, 290.35 feet, to the Northwestern corner of KAZMIR COURT ADDITION (245), as per description filed December 1, 1969 as Instrument 39361, Stanislaus County Records;
11. thence along the Western line of said ADDITION (245), said Western line being 20.00 feet East of the West line of 30.00 foot Yvonne Lane and its Northerly extension, South  $00^{\circ} 27' 00''$  East, 768.93 feet, to the Southeastern corner of the property conveyed to Silas W. Green, et ux, by deed recorded October 1, 1974, as Instrument 13077, Stanislaus County Records;
12. thence leaving the existing City Limits along a Southern line of said Green property, South  $82^{\circ} 19' 50''$  West, 489.20 feet, to the Southwestern corner of said Green property;
13. thence along a Western line of said Green property and its Northerly extension, North  $00^{\circ} 21' 46''$  West, 796.40 feet, to the center line of 60.00 foot Rouse Avenue;
14. thence along said center line of 60.00 foot Rouse Avenue, South  $89^{\circ} 00' 00''$  West, 444.20 feet, to the Southerly extension of the Western line of the property conveyed to Gary Gervasoni, et ux, by deed recorded November 27, 1973, as Instrument 20853, Stanislaus County Records;
15. thence along said Western line and its Southerly extension of said Gervasoni property, North  $01^{\circ} 27' 34''$  West, 397.08 feet, to the Southeastern corner of the property conveyed to Gary E. Bright, et us, by deed recorded February 27, 1968, as Instrument 6180, Stanislaus County Records;
16. thence along the Southern line of said Bright property, South  $86^{\circ} 55' 55''$  West, 127.05 feet, to the Southwestern corner of said Bright property;
17. thence along the Western line of said Bright property and its Northerly extension, North  $00^{\circ} 47' 09''$  West, 267.65 feet, to the center line of 66.00 foot Paradise Road;
18. thence along said center line, North  $49^{\circ} 17' 00''$  East, 2459.81 feet, to a point on the existing City Limits as established by the intersection of the center line of 66.00 foot Paradise Road at the Western boundary of said ADDITION (138);
19. thence along the existing City Limits on said Western boundary of ADDITION (138), South  $03^{\circ} 37' 30''$  East, 41.37 feet, to the point of beginning, containing 26.635 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on February 13. 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Dunlap, and adopted by the following vote:

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

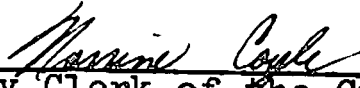
NOES: Councilmen: None

ABSENT: Councilmen: Elliott

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: February 13, 1978

  
City Clerk of the City of Modesto,  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-197

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE SALIDA  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Salida  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Palmilla Drive Addition  
by Resolution No. 77-1162 adopted on November 7,  
1977, and said addition officially became a part of the City of  
Modesto on December 30, 1977, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Salida Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1977.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Howe Pennington  
Public Works Department

## PALMILLA DRIVE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of STANDIFORD-TULLY NO. 1 ADDITION (309), as per description filed August 28, 1973, as Instrument 8127, Stanislaus County Records:

1. thence along the existing City limits on the Northern line of said Addition (309), North  $89^{\circ} 39' 40''$  West, 1,398.05 feet;
2. thence along a Northern line of said Addition (309), North  $63^{\circ} 01' 40''$  West, 50.00 feet;
3. thence along a Northern line of said Addition (309), North  $39^{\circ} 28' 40''$  West, 47.44 feet;
4. thence leaving the existing City limits, at the southerly right-of-way line of Modesto Irrigation District Lateral No. 6, said point being on a curve from which a radial line bears North  $30^{\circ} 35' 08''$  West;
5. thence Northeasterly along said tangent curve concave to the Northwest, having a radius of 367.9 feet; a central angle of  $9^{\circ} 27' 52''$ , and a curve length of 60.77 feet;
6. thence North  $49^{\circ} 57' 00''$  East, along said southerly right-of-way line of Lateral No. 6, 968.88 feet;
7. thence Northeasterly along said tangent curve concave to the Southwest, having a radius of 242.9 feet; a central angle of  $17^{\circ} 16' 00''$ , and a curve length of 80.19 feet;
8. thence along said Southerly right-of-way line of Lateral No. 6, North  $67^{\circ} 13' 00''$  East, 898.17 feet, to the Westerly right-of-way line of the Tidewater Southern Railroad;
9. thence along the said Westerly right-of-way line, South  $1^{\circ} 30' 00''$  East, 1,002.94 feet to the point of beginning, containing 21 acres more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-198

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE BURBANK-PARADISE  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Burbank-Paradise  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as California-Panama Addition  
by Resolution No. 77-1198 adopted on November 14,  
1977, and said addition officially became a part of the City of  
Modesto on December 30, 1977, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Burbank-Paradise Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1977.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

October 21, 1977  
October 12, 1977  
October 3, 1977  
September 20, 1977

CALIFORNIA - PANAMA ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern boundary of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point being 1,302.47 feet West of the interior corner of Section 31 on the Southern boundary of said Addition (70):

1. thence along the existing City Limits on the Southern line of said Addition (70), North  $89^{\circ} 55' 00''$  East, 660.00 feet, to the centerline of 40.00 foot Panama Drive;
2. thence leaving the existing City Limits along the centerline of Panama Drive, South  $00^{\circ} 04' 17''$  East, 1355.11 feet to the centerline of 40.00 foot Houser Lane;
3. thence along the centerline of Houser Lane, South  $89^{\circ} 44' 43''$  West, 314.00 feet;
4. thence North  $00^{\circ} 04' 17''$  West, 200.00 feet;
5. thence South  $89^{\circ} 55' 00''$  West, 346.00 feet;
6. thence North  $00^{\circ} 04' 17''$  West, 1156.05 feet, to the point of beginning, containing 18.954 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-199

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE MC HENRY-DRY CREEK  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the McHenry-Dry Creek  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Orangeburg-Fransen Addition  
by Ordinance No. 1680-C.S. adopted on November 21,  
1977, and said addition officially became a part of the City of  
Modesto on December 30, 1977, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the McHenry-Dry Creek Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1977.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by Councilmember \_\_\_\_\_, 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:

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By [Signature]  
Public Works Department

Corrected Nov. 21, 1977  
Corrected Sept. 8, 1977  
August 9, 1977

### ORANGEBURG-FRANSEN ADDITION

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

Beginning at a point on the existing City Limits as established by the Southwestern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per map filed May 8, 1975, as Instrument 43098, Stanislaus County Records;

1. thence along the existing City Limits on a Northern line of SPRING CREEK ADDITION (325), as per map filed January 15, 1975, as Instrument 26879, Stanislaus County Records, South  $64^{\circ} 37' 34''$  West 359.98 feet;
2. thence along an Eastern line of ORANGEBURG-LILLIAN ADDITION (302), as per map filed March 22, 1973, as Instrument 40448, Stanislaus County Records, North  $0^{\circ} 52' 54''$  West 1322.68 feet;
3. thence leaving the existing City Limits along the center line of 40.00 foot East Orangeburg Avenue North  $89^{\circ} 21' 00''$  East, 328.06 feet;
4. thence along the Western line of said Addition (331) South  $0^{\circ} 51' 30''$  East, 1172.11 feet, to the point of beginning, containing 9.387 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-200

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE BURBANK-PARADISE  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Burbank-Paradise  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Paradise-Rouse Addition  
by Ordinance No. 1675-C.S. adopted on November 14,  
1977, and said addition officially became a part of the City of  
Modesto on December 30, 1977, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Burbank-Paradise Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1977.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

PARADISE-ROUSE ADDITION

All that real property in the State of California, County of Stanislaus, being portions of the Northeast quarter of Section 6, Township 4 South, Range 9 East, and the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southernmost point of the GANT ADDITION (138), as per description filed October 18, 1962, as Instrument 39842, Stanislaus County Records, said point being the Northwestern corner of PARADISE CENTER NO. 2 ADDITION (92), as per description filed April 14, 1959, as Instrument 10647, Stanislaus County Records, said point also being the Northernmost point of NAVON ADDITION (110), as per description filed June 29, 1960, as Instrument 18294, Stanislaus County Records, said point also being on the Southeastern line of 66.00 foot Paradise Road;

1. thence along the Northwestern line of said ADDITION (110) and Southeastern line of said 66.00 foot Paradise Road, South  $49^{\circ} 17' 00''$  West, 379.47 feet, to the Westernmost point of said ADDITION (110), said point being the Southeastern corner of said 66.00 foot Paradise Road and 60.00 foot Chicago Avenue, said point also being on the boundary of PARADISE CENTER ADDITION (80), as per description filed May 21, 1958, as Instrument 12573, Stanislaus County Records;
2. thence along a Northwestern line of said ADDITION (80) and continuing along said Southeastern line of 66.00 foot Paradise Road, South  $49^{\circ} 17' 00''$  West, 957.23 feet;
3. thence continuing along the boundary of said ADDITION (80) South  $89^{\circ} 05' 00''$  West, 12.50 feet;
4. thence South  $49^{\circ} 17' 00''$  West, 111.66 feet, to the Western line of said ADDITION (80);
5. thence along said Western line, South  $01^{\circ} 00' 00''$  East, 375.45 feet, to the Southwestern corner of said ADDITION (80);
6. thence along the Southern line of said ADDITION (80), North  $89^{\circ} 00' 00''$  East, 190.00 feet, to a Northwestern corner of HUDSON-UCCELLO ADDITION (51), as per description filed August 28, 1953, as Instrument 21233, Stanislaus County Records;
7. thence along the boundary of said ADDITION (51), South  $01^{\circ} 00' 00''$  East, 164.00 feet;
8. thence South  $89^{\circ} 00' 00''$  West, 190 feet;
9. thence South  $01^{\circ} 00' 00''$  East, 696.32 feet, to the Southwestern corner of said ADDITION (51), said Southwestern corner being on the Northern line of 60.00 foot Rouse Avenue;

10. thence along the Southern line of said ADDITION (51) and said Northern line of 60.00 foot Rouse Avenue, North 89° 00' 00" East, 290.35 feet, to the Northwestern corner of KAZMIR COURT ADDITION (245), as per description filed December 1, 1969 as Instrument 39361, Stanislaus County Records;
11. thence along the Western line of said ADDITION (245), said Western line being 20.00 feet East of the West line of 30.00 foot Yvonne Lane and its Northerly extension, South 00° 27' 00" East, 768.93 feet, to the Southeastern corner of the property conveyed to Silas W. Green, et ux, by deed recorded October 1, 1974, as Instrument 13077, Stanislaus County Records;
12. thence leaving the existing City Limits along a Southern line of said Green property, South 82° 19' 50" West, 489.20 feet, to the Southwestern corner of said Green property;
13. thence along a Western line of said Green property and its Northerly extension, North 00° 21' 46" West, 796.40 feet, to the center line of 60.00 foot Rouse Avenue;
14. thence along said center line of 60.00 foot Rouse Avenue, South 89° 00' 00" West, 444.20 feet, to the Southerly extension of the Western line of the property conveyed to Gary Gervasoni, et ux, by deed recorded November 27, 1973, as Instrument 20853, Stanislaus County Records;
15. thence along said Western line and its Southerly extension of said Gervasoni property, North 01° 27' 34" West, 397.08 feet, to the Southeastern corner of the property conveyed to Gary E. Bright, et ux, by deed recorded February 27, 1968, as Instrument 6180, Stanislaus County Records;
16. thence along the Southern line of said Bright property, South 86° 55' 55" West, 127.05 feet, to the Southwestern corner of said Bright property;
17. thence along the Western line of said Bright property and its Northerly extension, North 00° 47' 09" West, 267.65 feet, to the center line of 66.00 foot Paradise Road;
18. thence along said center line, North 49° 17' 00" East, 2459.81 feet, to a point on the existing City Limits as established by the intersection of the center line of 66.00 foot Paradise Road at the Western boundary of said ADDITION (138);
19. thence along the existing City Limits on said Western boundary of ADDITION (138), South 03° 37' 30" East, 41.37 feet, to the point of beginning, containing 26.635 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-201

A RESOLUTION REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF POLICE SERGEANT PROVIDED UNDER THE POSITION CLASSIFICATION PLAN OF THE CITY OF MODESTO.

WHEREAS, a revision to the job specification for the classification of Police Sergeant in the City of Modesto's Position Classification Plan has been recommended by the City Manager, and

WHEREAS, said revision has been recommended because of the addition of the requirement of completion of 45 college semester units, including 20 units of courses directly related to law enforcement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the job specification for the position Police Sergeant be revised as shown on the attached Exhibit "A", which by this reference is made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the specification for Police Sergeant as shown on Exhibit "A" is hereby approved and made a part of the Position Classification Plan 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 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried

and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

POLICE SERGEANT

DEFINITION

Under direction, to supervise and participate in field patrol work on an assigned shift; to conduct criminal investigations; and to do related work as required.

EXAMPLE OF DUTIES

Supervises and assists in the work of police officers engaged in patrolling for the general enforcement of law, and the prevention of crime and disorder; receives, investigates, and makes the proper disposition of complaints from telephone calls, public interviews at the desk, and radio messages; schedules and assigns subordinates to specific patrol areas; receives assignments to investigate violations of state, local and federal laws; takes charge at scene of crime or in other emergencies; trains and evaluates the work of subordinates; maintains discipline and develops morale; collects and preserves evidence; briefs assigned officers on problems encountered in previous shifts, and areas of emphasis during their coming patrol; assists in the dispatching of appropriate equipment and personnel; maintains files and records; prepares reports; acts for superior officers in their absence or as directed.

SPECIAL REQUIREMENTS

Possession of the appropriate operator's license issued by the California Department of Motor Vehicles.

Possession of the California Peace Officer Standards and Training Basic Certificate or equivalent.

DESIRABLE QUALIFICATIONS

Knowledge of:

Principles and practices of modern police work;  
The law with respect to the apprehension, arrest, detention, and prosecution of law violators;  
Traffic enforcement and education;  
Criminal investigation methods.

Ability to:

Analyze situations and to adopt an effective course of action;  
Establish and maintain cooperative working relationships;  
Supervise and direct the work of others.

and

Experience:

Three years as a paid full time Police Officer.

and

Education:

Completion of 45 college semester units, including 20 units of courses directly related to law enforcement.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-202

A RESOLUTION APPROVING MODESTO POLICE DEPARTMENT POLICY STATEMENT  
CONCERNING POLICE RESPONSE TO BURGLARY AND ROBBERY ALARMS

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the Police Department Policy Statement concerning police  
response to burglary and robbery alarms, a copy of which is attached  
hereto and marked Exhibit "A", is hereby approved.

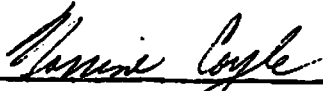
The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 13th day of  
February, 1978, by Councilmember Kullijian, who moved its adoption,  
which motion being duly seconded by Councilmember Siefkin, was  
upon roll call carried and the resolution adopted by the following  
vote:

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

NOES: Councilmembers: Dunlap

ABSENT: Councilmembers: Elliott

ATTEST:

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

I. FOREWORD

False burglary and robbery alarms which are caused by equipment malfunction or employee error have created a serious problem for the Police Department. The amount of time required in police response to false alarms results in a shortage of personnel available for valid requests for police service. In addition, the response to a false alarm subjects both officers and citizens to needless hazards.

The owners of a general property, who does not give any business or group of persons holding private property needing extra protection a claim for special services beyond that furnished every other owner of the same mile laws or property. This is especially true if the service provided in response to an alarm created by a false error or malfunctioning equipment.

An urgent need exists to establish guidelines for (a) the (b) of the responsibility to respond to false alarms, with (c) the need for to receive valuable time not spent in response to false alarms.

II. PURPOSE

This Policy statement is intended to provide guidelines for the Police Department to respond to burglary and robbery alarms.

III. POLICY

It is the policy of the Police Department to respond to burglary and robbery alarms as soon as possible after the alarm is reported.

Exceptions are as follows:

- A. A burglary alarm at a place of business will not receive a full police response if the alarm is received at opening or closing times or during the time that the premises is open to the public.
- B. A burglary alarm may receive a full police response if two false alarms, caused by an employee, are installed and/or reported during the same 24-hour period.
  - 1. Police response will be delayed until after written notification has been sent to the premises and the alarm company responsible for the installation of the alarm.
  - 2. When the reason for the false alarm has been corrected, and the Police Department has notified the Police Response will be resumed.

Response techniques shall be determined by, but not limited

to, time of day, type of premises involved and number of police officers available.

#### IV. STATEMENT

This Policy Statement should not be interpreted by anyone to infer that a properly functioning alarm is not a desirable means of preventing crime. The Modesto Police Department continues to believe that a good alarm, properly installed and operated, is one of the best methods to protect a premises against unlawful intrusion.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-203

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR DRY CREEK PARK (Thelma Moody)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that March 6, 1978, 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 a Resolution of Necessity to acquire property for Dry Creek Park

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-204

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR DRY CREEK PARK (Arnold C. Dickens)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that March 6, 1978, 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 a Resolution of Necessity to acquire property for Dry Creek Park

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-205

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND TRANS-WORLD FINANCIAL CORPORATION TO ACQUIRE SANITARY SEWER EASEMENT TO SERVE HILLSBORO NORTH SUBDIVISION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Trans-World Financial Corporation for a sanitary sewer easement to serve Hillsboro North Subdivision be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-206

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GAYLE W. STOWERS AND IRENE A. STOWERS FOR THE PURCHASE OF 0.06+ ACRES OF RIGHT OF WAY NEEDED FOR THE SCENIC COUNTY HOSPITAL TO SONOMA PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gayle W. Stowers and Irene A. Stowers for the purchase of 0.06+ acres of right of way needed for the Scenic County Hospital to Sonoma 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 February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-207

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ELWIN YOUNG, JR., AND SUSAN YOUNG FOR THE LEASE OF GOLDSWORTHY PARK SITE (2.4+ ACRES)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Elwin Young, Jr., and Susan Young for the lease of Goldsworthy Park site (2.4+ 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 13th day of February, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-208

A RESOLUTION SETTING A MILEAGE RATE OF 19¢ PER MILE FOR USE OF PERSONAL CARS ON CITY BUSINESS AND SETTING A MONTHLY RATE OF \$60.00 PER MONTH FOR RECREATION SUPERVISORS FOR USE OF PERSONAL CARS ON CITY BUSINESS.

BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes a mileage rate of 19¢ per mile for use of personal cars on City of Modesto business, effective July 1, 1978.

BE IT FURTHER RESOLVED by the Council that it hereby authorizes a monthly rate of \$60.00 per month for Recreation Supervisors for use of personal cars on City of Modesto business, effective July 1, 1978.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-209

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$20,000 TO FINANCE  
APPRAISALS OF COMMUNITY CENTER SITE

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

CAPITAL IMPROVEMENT FUND (321)

FROM: Reserve for Community Center \$20,000

TO: Community Center \$20,000

(Estimates of value of properties on the site are needed  
in order to estimate value of land and improvements prior  
to bond issue election)

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 13th day of  
February, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian, Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-210

A RESOLUTION CHANGING THE NAME OF THE CITIZENS HOUSING AND COMMUNITY  
DEVELOPMENT USERS COMMITTEE TO NEIGHBORHOOD ADVISORY COMMITTEE

WHEREAS, heretofore the Citizens Housing and Community Development  
Users Committee was established by the Modesto City Council; and

WHEREAS, the City Council desires to change the name of the Citi-  
zens Housing and Community Development Users Committee to "Neighborhood  
Advisory Committee."

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the name of the Citizens Housing and Community Development  
Users Committee is changed to Neighborhood Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 13th day of February, 1978,  
by Councilmember Dunlap, who moved its adoption, which motion being  
duly seconded by Councilmember Mensinger, was upon roll call carried and  
the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-211

A RESOLUTION APPOINTING MEMBER OF THE NEIGHBORHOOD ADVISORY COMMITTEE,  
CAROLE L. HILL, TERM TO EXPIRE 10-23-81

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  
Neighborhood Advisory Committee for the respective  
term as indicated: Carole L. Hill (Term ending 10-23-81)  
807 W. Roseburg Avenue  
Modesto, Ca. 95350

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 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 February,  
1978, by Councilmember Dunlap, who moved its adoption,  
which motion being duly seconded by Councilmember Mensing, was  
upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-212

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ONE FIRE RESCUE TRUCK

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

SECTION 1. The plans and specifications for furnishing one fire rescue 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 4, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-213

A RESOLUTION ACCEPTING THE BID OF ACME CONSTRUCTION COMPANY, FOR CONSTRUCTION OF A SPRINKLER SYSTEM AND BASEMENT ACCESS DOOR TO THE CITY HALL ANNEX.

WHEREAS, Resolution No. 78-3, adopted by the Council of the City of Modesto on January 3, 1978, approved the plans and specifications for the construction of a sprinkler system and basement access door to the City Hall Annex and authorized the calling for bids, and

WHEREAS, the bids received for the construction of a sprinkler system and basement access door to the City Hall annex were opened at 11:00 a.m., January 31, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Acme Construction Company in the amount of \$18,410.00 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Acme Construction Company in the amount of \$18,410.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

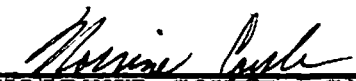
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February,

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-214

A RESOLUTION ACCEPTING THE CONSTRUCTION OF UPGRADING TENNIS COURT  
LIGHTING AT GRACEADA PARK

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of upgrading tennis court  
lighting at Gradeada Park  
has been completed by Collins Electrical Company, Inc.

in accordance with the contract agreement dated

NOW, THEREFORE, BE IT RESOLVED that the construction of  
be accepted from said contractor, Collins Electrical Company, Inc.  
that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$14,451.10  
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 21st day of  
February, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensingher, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-215

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN SYLVAN MEADOWS EAST #4 & #5, VINTAGE FAIRE #2, AND WOODGLEN PARK #2

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Sylvan Meadows East #4 & #5, Vintage Faire #2, and Woodglen Park #2 has been completed by Joe Martin

in accordance with the contract agreement dated

NOW, THEREFORE, BE IT RESOLVED that the construction of be accepted from said contractor, Joe Martin

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$147,334.29 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-216

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MODESTO BASEBALL CLUB, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Modesto Baseball  
Club, Inc.

for the use of Del Webb Field for a period of one year, to continue  
thereafter on a year-to-year basis until terminated by either party,  
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 21st day of  
February, 1978, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Mensing, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-217

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE STATE OF CALIFORNIA FOR AN UMTA TRANSIT OPERATING ASSISTANCE GRANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California for an UMTA Transit Operating Assistance Grant

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-218

A RESOLUTION NAMING THE ALLEY IN BLOCK 800 IN THE CITY OF MODESTO COLUMBIA LANE AND RESCINDING RESOLUTION NO. 77-1252.

WHEREAS, a request has been received that the City name the short north-south alley in Block 800 of the City of Modesto, and

WHEREAS, said request was made so that if a residence is constructed on said alley frontage an appropriate address can be assigned and it can have a mailing address, and

WHEREAS, property owners in the area are aware of the proposed naming and no objections have been received, and

WHEREAS, Section 34091.1 of the Government Code of the State of California provides that whenever the legislative body finds that a name should be adopted and applied to any city street or alley, the legislative body may adopt a resolution designating a name for such street or alley, and

WHEREAS, the Office of Planning and Community Development of the City of Modesto has recommended that said short north-south alley in Block 800 of the City of Modesto be named Columbia Lane,

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

1. That the short north-south alley in Block 800 of the City of Modesto be named Columbia Lane.
2. That the Director of Parking and Traffic be directed to erect an alley name sign at Harvard Avenue.

3. The City Clerk be directed to record a certified copy of this resolution with the Recorder of Stanislaus County and transmit a copy of this resolution to the Board of Supervisors, the County Clerk and the County Surveyor of Stanislaus County.

BE IT FURTHER RESOLVED that Resolution No. 77-1252 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyke  
NORRINE COYKE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-219

A RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE APPROPRIATE DOCUMENTS WITH THE STATE OF CALIFORNIA DEPARTMENT OF BENEFIT PAYMENTS FOR FINANCING UNEMPLOYMENT INSURANCE LIABILITY

WHEREAS, the City of Modesto is subject to the California Unemployment Insurance Code for unemployment insurance purposes; and

WHEREAS, there are three methods available for funding unemployment insurance coverage; and

WHEREAS, in a memorandum to the City Manager dated February 15, 1978, the Director of Finance recommended funding through the Local Public Entity Employees Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to file the appropriate documents with the State of California Department of Benefit Payments for financing unemployment insurance liability.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, by Councilmember Lang, who moved its adoption which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-220

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION  
OF NECESSITY TO ACQUIRE PROPERTY ADJACENT TO MCHENRY MANSION

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that March 20, 1978 , at 4:00 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of a Resolution of  
Necessity to acquire property adjacent to McHenry Mansion, for  
the expansion of the McHenry Mansion site.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 21st day of  
February, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensing, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-221

AMENDMENT TO  
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR WASTEWATER  
TREATMENT AERATION PROJECT, FEDERAL CLEAN WATER GRANT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
amendment to  
that the/agreement between the City of Modesto and United States  
Environmental Protection Agency  
for wastewater treatment aeration project, Federal Clean Water Grant  
be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 21st day of  
February, 1978, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Mensing, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-222

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO TO ANNEX CERTAIN TERRITORY, HEREINAFTER DESCRIBED AND DESIGNATED AS THE SCENIC-LAKEWOOD NO. 2 ADDITION TO THE CITY OF MODESTO; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO SUBMIT SUCH PROPOSAL TO THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

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

SECTION 1. That the Council of the City of Modesto, for the reasons hereinafter mentioned, proposes to initiate, as soon as it can legally do so, proceedings to annex to the City of Modesto all of the territory hereinafter described, in accordance and in compliance with the provisions of the Municipal Organization Act, Part 2 of Title 4 of the Government Code of the State of California.

SECTION 2. That the Council's reasons for proposing said annexation proceedings are as follows: That the annexation of the hereinafter described territory will contribute to the orderly growth of the City and provide the proper land use in conformity with the General Plan and the zoning regulations of the City of Modesto.

SECTION 3. That the territory which the Council proposes to annex is hereby identified as the SCENIC-LAKEWOOD NO. 2 ADDITION as shown on the map attached hereto as Exhibit "A", and said territory consists of all that real property situate in the County of Stanislaus, State of California, more particularly described as follows:

## SCENIC-LAKEWOOD NO. 2

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

Beginning at a point on the existing City Limits as established by a Southeastern corner of SCENIC-LAKEWOOD ADDITION (332), as per description filed May 30, 1975, as Instrument 46513, Stanislaus County Records;

1. thence along the existing City Limits along an Eastern line of said ADDITION (332), North  $00^{\circ} 44' 20''$  West, 576.59 feet;
2. thence continuing along the existing City Limits, North  $41^{\circ} 21' 40''$  East, 118.16 feet;
3. thence continuing along the existing City Limits, North  $68^{\circ} 39' 05''$  East, 546.82 feet, to a Southeastern corner of said ADDITION (332);
4. thence leaving the existing City Limits, North  $68^{\circ} 39' 05''$  East, 202.82 feet, to the East line of Section 23 and the center line of Lakewood Avenue;
5. thence along said section line and center line, South  $00^{\circ} 44' 20''$  East, 828.03 feet, to the center line of 50.00 foot Scenic Drive;
6. thence along said center line, South  $78^{\circ} 01' 55''$  West, 601.90 feet;
7. thence South  $50^{\circ} 37' 03''$  West, 250.68 feet;
8. thence North  $50^{\circ} 05' 47''$  West, 25.51 feet;
9. thence North  $50^{\circ} 37' 03''$  East, 31.52 feet;
10. thence North  $00^{\circ} 44' 20''$  West, 137.39 feet, to the point of beginning, containing 15.811 Acres, more or less.

SECTION 4. That the City Clerk of the City of Modesto is hereby authorized and directed to submit to the Local Agency Formation Commission of the County of Stanislaus, State of California, on behalf of the Council of the City of Modesto, this Resolution of Application to annex the aforesaid territory in accordance with the provisions of Part 2 of Title 4 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

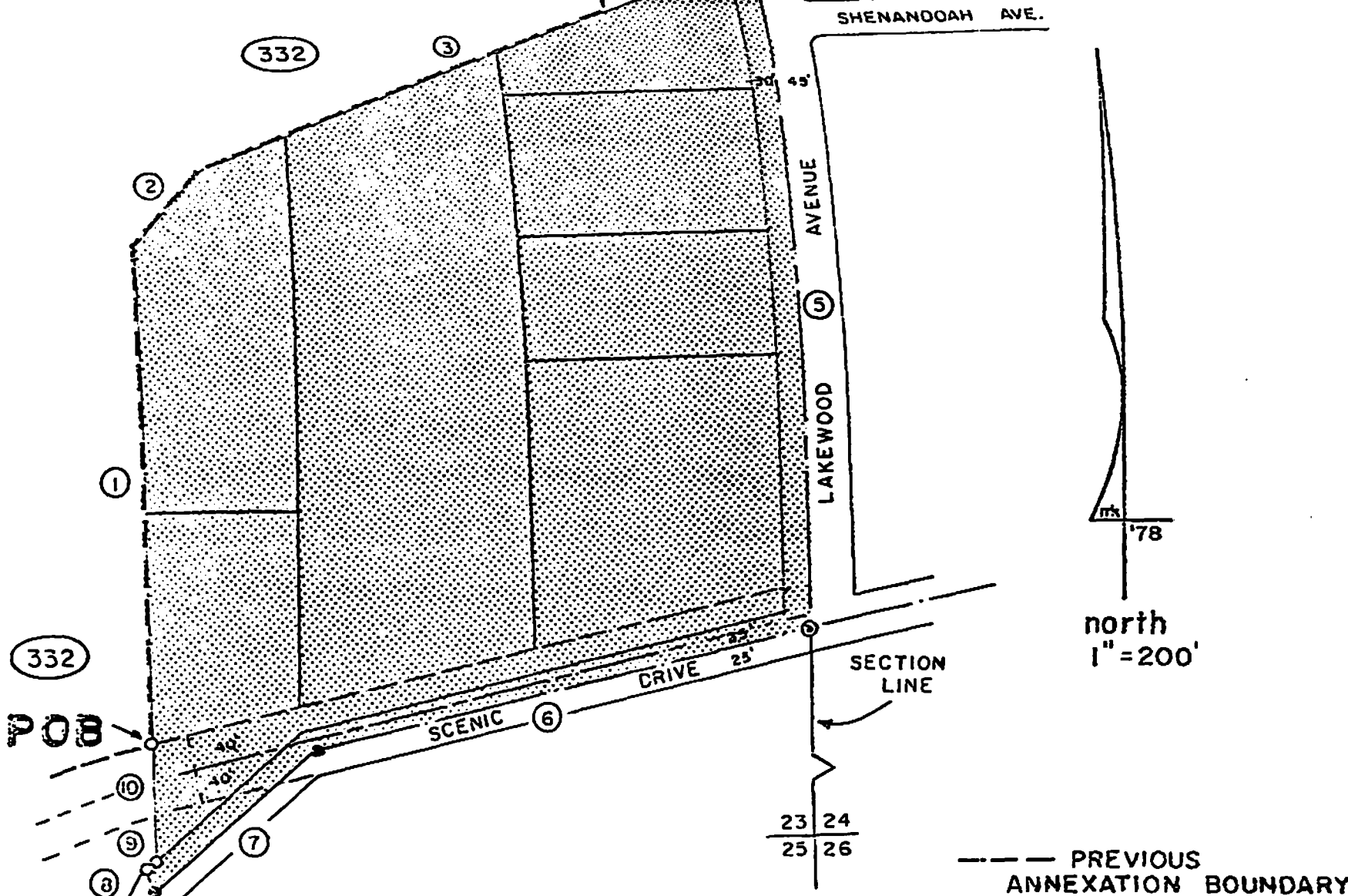
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Paul Campbell  
Public Works Department



①	N 00° 44' 20" W	576.59
②	N 41° 21' 40" E	118.16
③	N 68° 39' 05" E	546.82
④	N 68° 39' 05" E	202.82
⑤	S 00° 44' 20" E	828.08
⑥	S 78° 01' 55" W	601.90
⑦	S 50° 37' 08" W	250.68
⑧	N 50° 05' 47" W	25.51
⑨	N 50° 37' 08" E	31.52
⑩	N 00° 44' 20" W	137.39

**332 SCENIC-LAKEWOOD ADDITION**

FILED 5-30-1975

INST. 46313

BASIS OF BEARING: N 00° 44' 20" W FOR AN EASTERN LINE OF SCENIC-LAKEWOOD ADDITION (332), AS PER DESCRIPTION FILED 5-30-1975, AS INSTRUMENT 46313, STANISLAUS COUNTY RECORDS. REFERENCES ARE TO STANISLAUS COUNTY RECORDS.

**SCENIC-LAKEWOOD NO.2 ADDITION**

MK 2-15-78

13.811 ACRES

EXHIBIT "A"

5-A-370

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-223

A RESOLUTION RESCINDING MODESTO CITY COUNCIL RESOLUTION NO. 78-204, ADOPTED FEBRUARY 13, 1978, ENTITLED "A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR DRY CREEK PARK (ARNOLD C. DICKENS)

WHEREAS, on February 13, 1978, the Council of the City of Modesto adopted Resolution No. 78-204, entitled "A Resolution Setting Time and Place for Hearing to Consider Resolution of Necessity to Acquire Property for Dry Creek Park (Arnold C. Dickens); and

WHEREAS, this acquisition may require use of a portion of the required property for an electrical substation and electrical transmission system; and

WHEREAS, arrangements must be made with Modesto Irrigation District before the eminent domain process is instituted; and

WHEREAS, staff has recommended rescinding the resolution setting hearing to consider Resolution of Necessity for this property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 78-204, adopted February 13, 1978, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-224

A RESOLUTION APPOINTING MEMBER OF THE Modesto Youth Commission  
(Mark Fenton)

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 Modesto Youth Commission for the respective term as indicated:

Mark Fenton (term expires 12/1/78)  
409 Leveland Lane  
Modesto, Ca. 95350

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 77-225

A RESOLUTION APPROVING POSTPONEMENT OF BID OPENING DATE FOR FURNISHING FIVE BUSES FROM FEBRUARY 21, 1978, TO MARCH 7, 1978 at 2:00 P.M.

WHEREAS, Resolution No. 77-1307 adopted on December 19, 1977, approved the plans and specifications and authorized the call for bids for furnishing five buses to be opened February 21, 1978 at 2:00 P.M.; and

WHEREAS, potential bidders have requested a postponement of the bid opening to allow time for clarification of some items; and

WHEREAS, the staff has recommended that the bid opening be delayed from February 21, 1978 to March 7, 1978 at 2:00 P.M.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that postponement of the bid opening date for furnishing five buses from February 21, 1978, to March 7, 1978 at 2:00 P.M. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of February, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-226

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR THE CONSTRUCTION OF WOODROW PARK MASONRY WALL

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

SECTION 1. The plans and specifications for the construction of Woodrow Park Masonry Wall, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 28, 1978, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-227

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN FOR CONSTRUCTION OF WATERLINES IN LINCOLN SQUARE NO. 5

WHEREAS, Resolution No. 78-152 , adopted by the Council of the City of Modesto on February 6, 1978 , approved the plans and specifications for the construction of waterlines in Lincoln Square No. 5

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of waterlines in Lincoln Square No. 5 were opened at 11:10 a.m., February 21, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Joe Martin in the amount of \$19,729.00

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin in the amount of \$19,729.00

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 27th day of February,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-228

A RESOLUTION ACCEPTING THE BID OF M-B COMPANY FOR FURNISHING ONE  
STREET SWEEPER

WHEREAS, Resolution No. 77-1305 , adopted by the Council of the  
City of Modesto on December 19, 1977 , approved the plans and speci-  
fications for the furnishing of one street sweeper

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of one street  
sweeper  
were opened at 2:00 p.m., January 17, 1978 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 M-B Company in the amount of \$35,137.03  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of M-B Company in the amount of \$35,137.03  
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 February,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-229

A RESOLUTION ACCEPTING THE BID OF BILL HUGHES DODGE FOR FURNISHING  
TWO FOUR-DOOR POLICE STATION WAGONS

WHEREAS, Resolution No. 78-210 , adopted by the Council of the  
City of Modesto on January 16, 1978 , approved the plans and speci-  
fications for the furnishing of two four-door police station wagons  
and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of two four-door  
Police station wagons  
were opened at 2:00 p.m., February 14, 1978 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 Bill Hughes Dodge in the amount of \$12,595.84  
be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Bill Hughes Dodge in the amount of \$12,595.84  
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 February,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-230

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP STATION NO. 2

WHEREAS, a report has been filed by the Director of Public Works that the construction of Pump Station No. 2

has been completed by William M. Mineni

in accordance with the contract agreement dated February 22, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of

be accepted from said contractor, William M. Mineni;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$70,334.00 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 27th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-231

A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE EAST EXTENSION OF A BOX CULVERT AT DALE ROAD AND MID LATERAL NO. 7

WHEREAS, a report has been filed by the Director of Public Works that the construction of the east extension of a box culvert at Dale Road and MID Lateral No. 7 has been completed by Teichert Construction

in accordance with the contract agreement dated October 24, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of the east extension of a box culvert at Dale Road and MID Lateral No. 7 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 \$40,892.00 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 27th day of February, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-232

A RESOLUTION ACCEPTING THE CONSTRUCTION OF STREET LIGHT CIRCUIT ON  
MCHENRY AVENUE BETWEEN ORANGEBURG AVENUE AND BRIGGSMORE AVENUE

WHEREAS, a report has been filed by the Director of Public Works that the construction of street light circuit on McHenry Avenue between Orangeburg Avenue and Briggsmore Avenue has been completed by Ferrero Electric, Inc.

in accordance with the contract agreement dated October 3, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of street light circuit on McHenry Avenue between Orangeburg Avenue and Briggsmore be accepted from said contractor, Ferrero Electric, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$13,364.00 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 27th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-233

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (HORN CONSTRUCTION).

WHEREAS, on February 27, 1978, the City Council introduced Ordinance No. 1714-C.S. giving approval to a project relating to an amendment to Section Map 25-3-9 of the Zoning Map of the City of Modesto, reclassifying certain property located thereon from Low Density Residential Zone, R-1, to Medium High Density Zone, R-3

\_\_\_\_\_ , and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 25-3-9 of the Zoning Map of the City of Modesto, reclassifying certain property located thereon from Low Density Residential Zone, R-1, to Medium High Density Zone, R-3.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-234

A RESOLUTION DENYING THE APPEAL FILED BY RUSSELL A. HARRISON ON BEHALF OF HORN CONSTRUCTION CO. FOR AN AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Horn Construction Co. on October 24, 1977, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Medium-High Density Residential Zone, R-3, property located on the north side of Yosemite Boulevard on both sides of Mariposa Road, extended, described as follows:

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

R-1 to R-2

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

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

= 4.64 gross acres

R-1 to R-3

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

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

= 9.28 gross acres ,

and

WHEREAS, said application was set for public hearing before the Planning Commission at its regular meeting of December 20, 1977, at its regular meeting place located in the Council Chambers in the City Hall, 801 - 11th Street, Modesto, California, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 77-227, denied the requested amendment to Section 25-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the property described above as R-1 to R-2, and comprised of two tiers of lots with frontage on Clogston Way for the following reasons:

- (1) The subject lots extend too far into the interior of the Scott Estates Subdivision and conflict with the existing pattern of R-1 residential lots.
- (2) Denial of R-2 zoning on these two tiers of lots might encourage the applicant to develop medium density or medium-high density housing on the Yosemite Boulevard property, more properly suited to such development,

and

WHEREAS, an appeal was filed with the City Clerk of the City of Modesto by a letter dated December 21, 1977, by Russell A. Harrison on behalf of Horn Construction Co. to the decision of the Planning Commission denying said application to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the property hereinabove described, comprised of two tiers of lots with frontage on Clogston Way, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Streets, Modesto, California, at 7:30 o'clock p.m. on February 27, 1978, and

Whereas, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Russell A. Harrison on behalf of Horn Construction Co. to the decision of the Planning Commission denying rezoning from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property comprised of two tiers of lots with frontage on Clogston Way, should be denied for the reasons set forth in Planning Commission Resolution No. 77-227 and quoted above, and that the decision of the Planning Commission denying the requested rezoning should be affirmed, and

WHEREAS, the City Council at said Council meeting 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 proposed rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Russell A. Harrison to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 77-227 denying rezoning from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property, comprised of two tiers of lots with frontage on Clogston Way, be denied, for the reasons set forth in Planning Commission Resolution No. 77-227, and quoted above, and that the decision of the Planning Commission denying the requested rezoning is hereby affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William J. Richards*  
Department of Planning & Community  
Development

A RESOLUTION ACCEPTING IMPROVEMENT IN COLLEGE WEST NO. 1 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Norman Winsor, developer of College West No. 1 Sub-  
division, has filed Subdivision Bonds for faithful performance and  
labor and materials in the amount of \$331,000.00 and \$165,500.00  
respectively to guarantee improvements in College West No. 1 Sub-  
division; and

WHEREAS, the Director of Public Works in a emmorandum dated  
February 22, 1978, 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 College West No. 1 Subdivision are hereby  
accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
Bond for faithful performance in the amount of \$331,000.00 upon  
recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
Bond for labor and materials in amount of \$165,500.00 upon expiration  
of the statutory period.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 27th day of February,  
1978, by Councilmember Dunlap , who moved its adoption, which

motion being duly seconded by Councilmember Elliott , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-236

A RESOLUTION APPROVING THE FINAL MAP OF THE  
HOLLYWOOD PARK NO. 2  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Norman J. Winsor and Lola Jean Winsor, husband and wife; and Fritz Hutcheson and Betty L. Hutcheson, husband and wife

XYs (are) possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 14.910 acres, known as the Hollywood Park No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 6th day of September, 1977, 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 Hollywood Park No. 2 Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-237

A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION FOR A FIRE CRASH RESCUE STATION AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

WHEREAS, a pre-application for Federal Assistance for a fire crash rescue station at Modesto City-County Airport/ Harry Sham Field from the Airport Development Aid Program was filed by the City Manager, as authorized by the City Council on October 24, 1977; and

WHEREAS, the costs of the fire crash rescue station project have been estimated to be \$502,000, with the Federal Aviation Administration share \$451,800 and the City of Modesto and County of Stanislaus shares \$25,100 each; and

WHEREAS, the Council of the City of Modesto desires to submit the final application to the Federal Aviation Administration for funding a fire crash rescue station at the Modesto City-County Airport/Harry Sham Field.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the submission of the final application for Federal aid from the Airport Development Aid Program to the Federal Aviation Administration for a fire crash rescue station at the Modesto City-County Airport/Harry Sham Field is hereby authorized.

BE IT FURTHER RESOLVED that the execution of the application by the City Manager on behalf of the City of Modesto 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 February, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the

resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-238

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
THE UNITED STATES GEOLOGICAL SURVEY FOR GROUND WATER STUDY

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and United States  
Geological Survey  
for ground water study

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
February, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-239

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE YVONNE ADDITION TO  
THE CITY OF MODESTO.

WHEREAS, a written petition was filed under the "Annexation of Uninhabited Territory Act of 1939" and amendments thereto, with the City Council as the Legislative Body of the City of Modesto, a municipal corporation, containing a description of uninhabited territory contiguous to land lying within the boundary of said City of Modesto, and requesting therein that said territory be included in such municipal corporation, and

WHEREAS, said petition was signed by or written consent was filed by the owners of all of the land in the territory to be annexed, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on January 25, 1978, authorize the annexation of said uninhabited territory to the City of Modesto, without notice and hearing by the Legislative Body, pursuant to the Government Code, and

WHEREAS, owners of all of the territory to be annexed have heretofore filed with the Clerk of the Legislative Body, their written consent to have the property to be annexed subjected to taxation after annexation equally with property within the City of Modesto to pay any indebtedness or liability of the City of Modesto outstanding or authorized at the time said territory is annexed, for the acquisition, construction, or completion of municipal improvements, and

WHEREAS, said territory so proposed to be annexed to the City of Modesto is designated as Yvonne Addition,

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

That the annexation of said uninhabited territory designated as \_\_\_\_\_  
Yvonne Addition and hereinafter mentioned and described, as requested by said petition so filed with said City Council as the Legislative Body of said City of Modesto, be and the same is hereby approved, and said property be and the same is hereby subjected to taxation after annexation equally with property within the City of Modesto to pay any indebtedness of the City of Modesto, outstanding or authorized at the time said territory is annexed, for the acquisition, construction or completion of municipal improvements, and said territory is hereby annexed to, incorporated and included in said City of Modesto, a municipal corporation,

BE IT FURTHER RESOLVED, that the specific description of the boundaries of the territory, the annexation of which is hereby approved, is attached hereto and made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED, that no change in school district boundaries shall be effected by reason of the annexation of said territory to the City of Modesto.

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, six certified copies of this resolution, stating the date of its passage; to immediately make six copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the executive officer of the Stanislaus County Local Agency Formation Commission together with a payment of all fees required by California Government Code Section 54902.5.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Russ Campbell*  
Public Works Department

YVONNE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the point common to the Southwest corner of KAZMIR COURT ADDITION (245), as per description filed December 1, 1969 as Instrument 39361, Stanislaus County Records, and the Northwest corner of MINENI MANOR ADDITION (63), as per description filed July 26, 1955 as Instrument 21227, Stanislaus County Records;

1. thence along the existing City Limits and the Western line of said ADDITION (63), South  $0^{\circ} 27' 00''$  East, 577.33 feet to a point common to the Northwest corner of BELLENITA ADDITION (169), as per description filed October 19, 1964 as Instrument 41437, Stanislaus County Records, and the Northeast corner of WEST VIEW GARDENS ADDITION (189), as per description filed May 12, 1966 as Instrument 17050, Stanislaus County Records;
2. thence continuing along the existing City Limits and the Northern line of said ADDITION (189), South  $89^{\circ} 24' 00''$  West, 485.50 feet;
3. thence leaving the existing City Limits, North  $0^{\circ} 27' 00''$  West, 515.83 feet to the center line of a 30.00 foot ditch;
4. thence along the center line of said ditch, North  $82^{\circ} 11' 00''$  East, 489.54 feet, to the point of beginning, containing 6.092 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-240

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND  
DIRECTING THE FILING OF A NOTICE OF APPROVAL OF ANNEXATION:  
YVONNE ADDITION

WHEREAS, on February 27, 1978, the City Council adopted Resolution  
No. \_\_\_\_\_ giving approval to the following annexation: Yvonne Addition  
\_\_\_\_\_, and

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus approved  
said annexation on January 25, 1978, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and  
considered the findings of the County of Stanislaus Environmental Review Committee which  
resulted in a negative declaration in regard to the environmental impact of the subject  
annexation.

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 Approval in regard to  
the environmental impact of the following annexation: Yvonne Addition.

The foregoing resolution was introduced at a regular meeting of the Council of  
the City of Modesto held on the 27th day of February, 1978, by Councilmember  
Dunlap, who moved its adoption, which motion being duly seconded by  
Councilmember Elliott, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

(SEAL)

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-241

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (Paul Zagaris)

WHEREAS, the Modesto City Planning Commission held a public hearing on February 7, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-D(180) property located on the north side of East Orangeburg Avenue

the following described property:

SEE ATTACHED EXHIBIT "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-24 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 22-3-9 of the Zoning Map be set for March 27, 1978, at 7:50 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of February, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

R-1 to P-D

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

BEGINNING at the Southwest corner of said Lot 8; thence North  $0^{\circ}41'25''$  West, along the West line of said Lot 8, a distance of 138.59 feet; thence North  $89^{\circ}52'15''$  East, parallel with and 750.00 feet measured at right angles from the North line of property conveyed to the Modesto City School District by deed filed in Volume 2029 of Official Records, at Page 509, Stanislaus County Records, a distance of 735.05 feet; thence North  $0^{\circ}07'45''$  West, 125.00 feet; thence South  $89^{\circ}52'15''$  West, 22.71 feet; thence North  $0^{\circ}07'45''$  West, 125.00 feet; thence North  $4^{\circ}21'38''$  East, 92.40 feet; thence North  $9^{\circ}40'14''$  East, 90.22 feet; thence North  $7^{\circ}24'22''$  East, 80.72 feet; thence North  $0^{\circ}07'45''$  West, 113.96 feet; thence North  $89^{\circ}52'15''$  East 12.15 feet; thence North  $0^{\circ}07'45''$  West, 125.00 feet to said North line of the property conveyed to the Modesto City School District; thence North  $89^{\circ}52'15''$  East, along said line,

a distance of 121.00 feet; thence South  $0^{\circ}07'45''$  East, 165.00 feet to a tangent curve concave to the West having a radius of 1000.00 feet; thence Southwesterly 202.29 feet along said curve, through an angle of  $11^{\circ}35'26''$  to a reverse curve concave to the East having a radius of 800.00 feet; thence Southeasterly 273.63 feet along said curve, through an angle of  $19^{\circ}35'50''$  to a reverse curve concave to the West having a radius of 800.00 feet; thence Southerly 112.30 feet along said curve, through an angle of  $8^{\circ}02'34''$  to a tangent line; thence South  $0^{\circ}05'35''$  East, 139.11 feet to a point on the South line of said Lot 8; thence South  $89^{\circ}54'25''$  West, along said South line, a distance of 856.11 feet to the point of beginning.

Containing 4.929 acres

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

EXHIBIT "A"

Sec. 22-3-9  
(Zagaris)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-242

AMENDMENT TO  
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MODESTO CITY SCHOOLS TO ADD LAKEWOOD ELEMENTARY SCHOOL TO THE  
AFTERSCHOOL RECREATION PROGRAM.

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
amendment to  
that the/agreement between the City of Modesto and Modesto City  
Schools .

for addition of Lakewood Elementary School to the afterschool  
recreation program

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said/agreement <sup>amendment to</sup>  
by the designated 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  
February, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-243

A RESOLUTION APPOINTING MEMBER OF THE PERSONNEL COMMISSION, Levio G. Ghilotti (to fill Jonathan Holman's unexpired term ending 1-1-79)

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 Personnel Commission for the respective term as indicated: Levio G. Ghilotti (term to expire 1-1-79)  
1916 Devonshire Ave.  
Modesto, Ca. 95355

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Personnel 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 February, 1978, by Councilmember Mensing, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-244

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR CONSTRUCTION OF T-HANGAR "H" AT CITY-COUNTY AIRPORT

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

SECTION 1. The plans and specifications for construction of T-Hangar "H" at the City-County Airport copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on March 21, 1978 at 11:15 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law,

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-245

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN FOR CONSTRUCTION OF WATERLINES IN "E" STREET, BURNEY STREET, WALDEN STREET, AND JAMES STREET

WHEREAS, Resolution No. 78-184 , adopted by the Council of the City of Modesto on February 13, 1978 , approved the plans and specifications for the construction of waterlines in "E" Street, Burney Street, Walden Street, and James Street and authorized the calling for bids, and

WHEREAS, the bids received for the construction of waterlines in "E" Street, Burney Street, Walden Street, and James Street were opened at 11:05 a.m. on February 28, 1978 and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Joe Martin in the amount of \$58,845.50

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin in the amount of \$58,845.50

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 6th day of March,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-246

A RESOLUTION ACCEPTING THE BID OF D.S.S. COMPANY FOR THE CONSTRUCTION  
OF UNIT 1 OF PHASE 1, TUOLUMNE RIVER REGIONAL PARK

WHEREAS, Resolution No. 78-9 , adopted by the Council of the  
City of Modesto on January 3, 1978 , approved the plans and speci-  
fications for the construction of Unit 1 of Phase 1, Tuolumne River  
Regional Park

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of Unit 1 of  
Phase 1, Tuolumne River Regional Park  
were opened at 11:05 a.m., January 31, 1978 and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and

WHEREAS, the Director of Public Works has recommended that  
the bid of D.S.S. Company in the amount of \$367,578.55

be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of D.S.S. Company in the amount of \$367,578.55

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 6th day of March,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-247

A RESOLUTION ACCEPTING THE BID OF WESTERN TRACTION COMPANY FOR  
FURNISHING ONE TRAILER-MOUNTED BRUSH CHIPPER

WHEREAS, Resolution No. 77-1306 , adopted by the Council of the City of Modesto on December 19, 1977 , approved the plans and specifications for the furnishing of one trailer-mounted brush chipper and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of one trailer-mounted brush chipper were opened at 2:15 p.m., January 17, 1978 and later tabulated by the Director of Finance for the consideration of the Council, and

WHEREAS, the Director of Finance has recommended that the bid of Western Traction Company in the amount of \$8,013.60 be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Traction Company in the amount of \$8,013.60 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 March,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-248

A RESOLUTION ACCEPTING THE BID OF EDWARD R. BACON FOR FURNISHING  
ONE FRONT-END CLAW LOADER

WHEREAS, Resolution No. 77-1335, adopted by the Council of the City of Modesto on December 27, 1977, approved the plans and specifications for the furnishing of one front-end claw loader

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of one front-end claw loader were opened at 2:00 p.m., January 31, 1978 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 Edward R. Bacon in the amount of \$31,342.08

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Edward R. Bacon in the amount of \$31,342.08

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 6th day of March,

19 78 , by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Kullijian , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-249

A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS OF EVERGREEN AVENUE FROM ANGELA LANE TO CARVER ROAD

WHEREAS, a report has been filed by the Director of Public Works that the construction of improvements of Evergreen Avenue from Angela Lane to Carver Road has been completed by Flintkote Company

in accordance with the contract agreement dated December 12, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of improvements of Evergreen Avenue from Angela Lane to Carver Road be accepted from said contractor, Flintkote Company

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$15,471.10 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 6th day of March, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL.  
RESOLUTION NO. 78-250

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN  
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL  
PURPOSES FOR DRY CREEK PARK (THELMA MOODY)

\_\_\_\_\_  
\_\_\_\_\_  
(Name of Project and Property Owners Name)

WHEREAS, on February 13, 1978, the Council of the City  
of Modesto by Resolution No. 78-203 set a hearing to consider a resolution  
of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on March 6, 1978, 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 Phase II of Dry Creek Park  
including but not limited to a golf course.

\_\_\_\_\_  
\_\_\_\_\_  
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 pursuant to Sections 37350.5 and 37351 of  
the Government Code of the State of California.
3. The taking of said real property for said project is also authorized  
pursuant to Sections 37353, 38300, and 40404(f) of the Government Code  
of the State of California.
4. 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.
5. The real property which is hereinafter described consists of

30 acres more or less, including a residence and outbuildings, on the north  
side of M. I. D. Lateral No. 2 and on the east side of Lincoln Avenue in  
the County of Stanislaus and 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, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and near the City of Modesto, State of California, more particularly described as follows:

Those portions of the H. T. Crow Subdivision of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, according to the official map or plat of "LAND OF H. T. CROW" on file and of record in Volume 2 of Maps, page 28, Stanislaus County Recorder's office, described as follows:

The South 21.67 acres of Lot 3 and all that portion of Lot 4 lying north of canal, (containing 8.33 acres); said property in all consisting of 30 acres, more or less.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Marian Coyle  
City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Alfred Sauer  
Public Works Department 3-6-78  
A. Sauer

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-251

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 18-3-7 OF THE ZONING OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JAMES A. DAVIDSON)

WHEREAS, on March 6, 1978, the City Council adopted Ordinance No. 1715-C.S. giving approval to a project relating to an amendment to Section Map 18-3-7 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2

\_\_\_\_\_ , and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to \_\_\_\_\_ an amendment to Section Map 18-3-7 of the Zoning Map to reclassify \_\_\_\_\_ certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES· Councilmembers· None

ABSENT: Councilmembers: Mayor Davies

ATTEST· Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-252

A RESOLUTION AMENDING RESOLUTION NO. 75-314 APPROVING A REVISED PLOT PLAN RELATING TO P-D (125). (JOHN T. BLAIR FOR JAMES C. SORENSON, INC.)

WHEREAS, by Ordinance No. 1431-C.S. effective April 2, 1975, and by Resolution No. 75-314 adopted on February 24, 1975, the City Council rezoned to P-D(125) to permit development of a 135,000 square foot community shopping center, a 72-unit apartment complex, and 33 medium density residential units, property located on the west side of McHenry Avenue north of Woodrow Avenue and south of Standiford Avenue, and

WHEREAS, a revised plot plan and a proposed expansion of the community shopping center portion of P-D(125) beyond the 135,000 square feet of buildable space previously approved has been submitted by John T. Blair representing James C. Sorenson, Inc., and

WHEREAS, said request for an amendment to P-D(125) for a revised plot plan and to permit an increase in the buildable space for commercial use, as submitted by John T. Blair for James C. Sorenson, Inc., was set for a public hearing before the Planning Commission at its meeting of January 17, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, thereafter, the Planning Commission found and determined that the amendment to P-D(125) as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The commercial portion of P-D(125) is well buffered from residential uses.
2. Sufficient parking space is available on site to satisfy the needs of the additional commercial space proposed to be constructed,

and

WHEREAS, by Resolution No. 78-18 the Planning Commission has recommended that the requested amendment to P-D(125) be approved, and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the City Hall, 801 11th Street, Modesto, California, at 4:10 p.m., on March 6, 1978, and

WHEREAS, after said public hearing held on March 6, 1978, the Council found and determined that the requested amendment to P-D(125) submitted by John T. Blair for James C. Sorenson, Inc., to permit an increase in the buildable space for commercial use in said P-D zone and for a revised plot plan should be granted as consonant with public necessity, convenience, and general welfare for the reasons set forth in Planning Commission Resolution No. 78-18, and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 1716 -C.S. on the 6th day of March, 1978, amending P-D(125) to allow expansion of the community shopping center portion of P-D(125) beyond the 135,000 square feet of buildable space previously approved, and

WHEREAS, it is necessary to amend Section 1 of Resolution No. 75-314 to approve the plot plan for said increased buildable space for commercial use in said P-D zone, and

WHEREAS, at said meeting, the Council 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 proposed project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Resolution No. 75-314 is hereby amended to add condition number 14 to read as follows:

"14. That all additional development be in accordance with the plot plan entitled, 'Proposed Revision P-D(125) Gemco Development', as amended in red on its face, stamped approved by the Planning Commission on January 17, 1978, and on file in the office of the Director of Planning and Community Development."

BE IT FURTHER RESOLVED by the Council of the City of Modesto that all provisions of Modesto City Council Resolution No. 75-314 approved by the City Council on February 24, 1975, and not in conflict herewith, shall remain in full force and effect.

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 proposed project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-293

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE WOODLAND  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland

Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Rosemore-Woodland Addition  
by Resolution No. 77-1290 adopted on December 12,  
1977, and said addition officially became a part of the City of  
Modesto on January 17, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting service by  
the City,

## ROSEMORE-WOODLAND NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the Existing City Limits as established by the Southeastern corner of BLUE GUM ADDITION (333), as per description filed June 12, 1975, as Instrument 48200, Stanislaus County Records;

1. thence South  $1^{\circ} 04' 35''$  East 662.66 feet along a Western line of ROSEMORE-WOODLAND ADDITION (347), as per map filed October 14, 1976, as Instrument 19721, Stanislaus County Records;
2. thence North  $88^{\circ} 34' 38''$  East, 663.62 feet, to the center line of 40.00 foot Rosemore Avenue;
3. thence along said center line of Rosemore Avenue, said center line being the North-South quarter section line, South  $1^{\circ} 06' 10''$  East, 662.92 feet, to the center line of Woodland Avenue;
4. thence leaving the existing City Limits along said center line of Woodland Avenue, South  $88^{\circ} 36' 00''$  West, 1327.85 feet;
5. thence North  $1^{\circ} 03' 00''$  West, 1324.80 feet;
6. thence North  $88^{\circ} 33' 14''$  East, 663.31 feet, to the point of beginning, containing 30.286 Acres, more or less.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Woodland Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-254

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (ROSEMORE-WOODLAND NO. 2 ADDITION)

WHEREAS, there has been annexed to the City of Modesto on January 17, 1978, certain territory known as Rosemore-Woodland No. 2 Addition, and

WHEREAS, the inclusion of the area contained in Rosemore-Woodland No. 2 Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

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

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Rosemore-Woodland No. 2 Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-254

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (ROSEMORE-WOODLAND ADDITION)

WHEREAS, there has been annexed to the City of Modesto on January 17, 1978, certain territory known as Rosemore-Woodland Addition, and

WHEREAS, the inclusion of the area contained in Rosemore-Woodland Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

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

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Rosemore-Woodland Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 172.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, April 17, 1978, at the hour of 4:00 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 172.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) A northwest corner of the annexation at the west side of Rosemore Avenue and 663'± north of the center line of Woodland Avenue.
- (2) A southeast corner of the annexation at the northwest corner of the intersection of Rosemore Avenue and Woodland Avenue.
- (3) A southwest corner of the Annexation at the north side of Woodland Avenue and 1328'± west of the intersection of Rosemore Avenue and Woodland Avenue.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 172, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Ross Campbell*  
Public Works Department

## ROSEMORE-WOODLAND NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the Existing City Limits as established by the Southeastern corner of BLUE GUM ADDITION (333), as per description filed June 12, 1975, as Instrument 48200, Stanislaus County Records;

1. thence South  $1^{\circ} 04' 35''$  East 662.66 feet along a Western line of ROSEMORE-WOODLAND ADDITION (347), as per map filed October 14, 1976, as Instrument 19721, Stanislaus County Records;
2. thence North  $88^{\circ} 34' 38''$  East, 663.62 feet, to the center line of 40.00 foot Rosemore Avenue;
3. thence along said center line of Rosemore Avenue, said center line being the North-South quarter section line, South  $1^{\circ} 06' 10''$  East, 662.92 feet, to the center line of Woodland Avenue;
4. thence leaving the existing City Limits along said center line of Woodland Avenue, South  $88^{\circ} 36' 00''$  West, 1327.85 feet;
5. thence North  $1^{\circ} 03' 00''$  West, 1324.80 feet;
6. thence North  $88^{\circ} 33' 14''$  East, 663.31 feet, to the point of beginning, containing 30.286 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on March 6 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Dunlap, seconded by Councilman Kullijian, and adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: March 6, 1978

Norrine Coyle  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-255

A RESOLUTION APPROVING THE FINAL MAP OF THE  
BEYERWOOD EAST NO. 2  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Stonewood Development Company, a limited  
partnership

is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 22.481 acres, known as the  
Beyerwood East No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 5th day of  
October, 1976, 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 Beyerwood East No. 2  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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


NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-256

AMENDMENT TO  
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
CALIFORNIA WATER RESOURCES BOARD FOR WASTEWATER TREATMENT AERATION  
PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
amendment to  
that the/agreement between the City of Modesto and California Water  
Resources Board  
for wastewater treatment aeration project

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said/agreement  
amendment to  
by the designated 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  
March, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



MODESTO CITY COUNCIL  
RESOLUTION NO. 78-258

A RESOLUTION APPROVING REQUEST FOR WAIVER OF PENALTY ON UTILITY USERS  
TAX REMITTANCE BY MODESTO IRRIGATION DISTRICT

WHEREAS, the Modesto Municipal Code provides a penalty for utility companies which do not transfer collected taxes to the City within thirty days after the close of each quarter; and

WHEREAS, the penalty can only be waived by the Council of the City of Modesto; and

WHEREAS, the Modesto Irrigation District has had turnover in clerical personnel which resulted in some delay in processing the Utility Users Tax Remittance; and

WHEREAS, the staff recommends the City Council waive the penalty on the Utility Users Tax remittance by the Modesto Irrigation District.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the waiver of the penalty on Utility Users Tax Remittance for Modesto Irrigation District 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 March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-259

A RESOLUTION APPROVING REQUEST FOR WAIVER OF PENALTY ON UTILITY USERS  
TAX REMITTANCE BY TURLOCK IRRIGATION DISTRICT

WHEREAS, the Modesto Municipal Code provides a penalty for utility companies which do not transfer collected taxes to the City within thirty days after the close of each quarter; and

WHEREAS, the penalty can only be waived by the Council of the City of Modesto; and

WHEREAS, the Turlock Irrigation District has had turnover in clerical personnel which resulted in some delay in processing the Utility Users Tax Remittance; and

WHEREAS, the staff recommends the City Council waive the penalty on the Utility Users Tax remittance by the Turlock Irrigation District.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the waiver of the penalty on Utility Users Tax Remittance for Turlock Irrigation District 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 March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION DESIGNATING MARCH 1 THROUGH MARCH 26, 1978, AS EASTER SEAL MONTH IN MODESTO

WHEREAS, the Easter Seal Society for Crippled Children and Adults of Stanislaus County helps physically handicapped persons in our community to become useful to themselves and to become a part of community life to the maximum extent of their capabilities; and

WHEREAS, the County Easter Seal organization provides services not rendered by other agencies or governmental organizations; and

WHEREAS, the Easter Seal Society provides services to the handicapped by offering camperships for both summer and the Outdoor Education Program for the handicapped; speech therapy clinic; orthopedic appliances; out-of-town transportation and room and board for families staying out of town; stroke club; survey of the handicapped contacting 13,000 homes and a complete information, referral and follow-up program; and

WHEREAS, continuing community support is essential if the Easter Seal Society is going to continue to provide this valuable service to the physically handicapped.

NOW, THEREFORE, BE IT RESOLVED that the period from March 1, 1978 through March 26, 1978, be designated EASTER SEAL MONTH IN THE CITY OF MODESTO, and urge all citizens to generously support the 1978 campaign of the Easter Seal Society for Crippled Children and Adults 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 March, 1978, by Councilmember Kullajian, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Mayor Davies

ABSENT: Councilmembers: Elliott

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-260

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING OFFICE EQUIPMENT

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

SECTION 1. The plans and specifications for furnishing office 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 28, 1978, at 2:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-261

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REPAIRS AND IMPROVEMENT TO THE 12TH AND I STREET PARKING LOT

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

SECTION 1. The plans and specifications for repairs and improvements to the 12th and I Street parking lot 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 4, 1978, at 2:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-262

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF SITE IMPROVEMENTS AT PUMP STATION NO. 14 ON VIRGINIA AVENUE

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

SECTION 1. The plans and specifications for construction of site improvements at Pump Station No. 14 on Virginia 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 March 28, 1978, at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-263

A RESOLUTION ACCEPTING THE BID OF CRAIN CONSTRUCTION FOR CONSTRUCTION  
OF WATERLINES IN PRESCOTT HOMES

WHEREAS, Resolution No, 78-183 , adopted by the Council of the  
City of Modesto on February 13, 1978 , approved the plans and speci-  
fications for the construction of waterlines in Prescott Homes

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of waterlines  
in Prescott Homes  
were opened at 11:00 a.m., February 28, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and

WHEREAS, the Director of Public Works has recommended that  
the bid of Crain Construction in the amount of \$20,558.00

be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Crain Construction in the amount of \$20,558.00

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 13th day of March,

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-264

A RESOLUTION ACCEPTING THE BID OF FLINTKOTE COMPANY FOR THE PAVING  
OF THE SOUTHWEST PORTION OF THE CITY OF MODESTO SERVICE YARD

WHEREAS, Resolution No. 78-182 , adopted by the Council of the  
City of Modesto on February 13, 1978 , approved the plans and speci-  
fications for the paving of the southwest portion of the City of  
Modesto Service Yard

and authorized the calling for bids, and

WHEREAS, the bids received for the paving of the southwest  
portion of the City of Modesto Service Yard  
were opened at 11:00 a.m., March 7, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and

WHEREAS, the Director of Public Works has recommended that  
the bid of Flintkote Company in the amount of \$16,350.00

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Flintkote Company in the amount of \$16,350.00

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 13th day of March,

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-265**

**A RESOLUTION ACCEPTING THE BID OF WOOD SYSTEMS, INC. FOR FURNISHING  
ONE WORD PROCESSING CENTRAL DICTATING SYSTEM**

WHEREAS, Resolution No. 78-135 , adopted by the Council of the City of Modesto on January 23, 1978 , approved the plans and specifications for the furnishing of one work processing central dictating system

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of one word processing central dictating system were opened at 2:15 p.m., February 21, 1978 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 Wood Systems, Inc. in the amount of \$6,966.43

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Wood Systems, Inc. in the amount of \$6,966.43

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 March,

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-266

A RESOLUTION OVERRULING THE RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND SECTION 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, PROPERTY LOCATED AT THE NORTHWEST CORNER OF EMERALD AVENUE AND MAZE BOULEVARD. (JERRY B. HOLLAND)

WHEREAS, a verified application to amend Section 30-3-9 of the Zoning Map was filed by Jerry B. Holland on December 15, 1977, to rezone from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, property located on the northwest corner of Emerald Avenue and Maze Boulevard, described as follows:

All that portion of Lot 19 of Maze Ranch Subdivision, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County California, on March 19, 1909, in Volume 4 of Maps, Page 18, described as follows:

COMMENCING at the South quarter corner of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North 89° 45' 30" West along the Southerly line of said Section 30, a distance of 20.00 feet to the Southeast corner of Lot 19 of said Maze Ranch Subdivision and being the true point of beginning of this description; thence continue North 89° 45' 30" West and being along the center line of Maze Boulevard a distance of 202.62 feet, thence North 0° 14' 30" East, a distance of 200.00 feet; thence South 89° 45' 30" East parallel with the Southerly line hereof, a distance of 200.02 feet to a point on the East line of said Lot 19 and being in the centerline of Emerald Avenue; thence South 0° 30' 15" East along last mentioned line, a distance of 200.00 feet to the true point of beginning.

EXCEPTING that portion of property lying within the Maze Boulevard right-of-way which is zoned R-A,

and

WHEREAS, said application was set for a public hearing before the Planning Commission at its regular meeting on January 17, 1978, in the City Council Chambers, in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, thereafter the Commission adopted Resolution No. 78-15 recommending to the Council an amendment to Section 30-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, the above described property, as requested by the applicant, and

WHEREAS, said matter was set for a 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, on March 13, 1978, at which time evidence both oral and documentary was taken and introduced, and

WHEREAS, the City Council certifies it has received and reviewed 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, and

WHEREAS, after said public hearing, the Council of the City of Modesto determined that the proposed rezoning from Single Family Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, should be denied for the following reasons:

1. The subject property is located at the intersection of a collector street and a State highway and opposite an elementary school which creates a severe traffic condition at the intersection.
2. There are several schools in the vicinity which causes a large number of school children at the intersection.
3. Medium-High Density Residential Zoning, R-3, would allow an excessive number of units on a small parcel of property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed rezoning, as recommended by the Planning Commission in its Resolution No. 78-15, to rezone from Low Density Residential Zone, R-1, to Medium-High Density Residential, R-3, of the above described property, be denied for the reasons set forth above.

BE IT FURTHER RESOLVED that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the denial of an amendment to Section 30-3-9 of the Zoning Map of the City of Modesto to rezone certain property located thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Kullijian, Siefkin

ABSENT: Councilmembers: Elliott

(SEAL)

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *John P. Coyle*  
Department of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-267

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ROBERT L. BRECKENRIDGE)

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WHEREAS, on March 13,, 1978, the City Council adopted Ordinance No. 1717-C.S. giving approval to a project relating to an amendment to Section Map 27-3-9 of the Zoning Map to reclassify certain property from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3

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, and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 27-3-9 of the Zoning Map to reclassify certain property from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3.

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM.

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

MODESTO CITY COUNCIL  
RESOLUTION No. 78-268

A RESOLUTION APPROVING PAYMENT FOR SERVICE AWARDS FOR RETIREMENT  
AND SERVICE AWARDS DINNER IN THE AMOUNT OF \$4,104.22

BE IT RESOLVED by the Council of the City of Modesto that the  
expenditure of funds in the amount of \$4,104.22 for payment for  
service awards for the Retirement and Service Awards dinner 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  
March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davien

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

*Norrine Cole*  
NORRINE COLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-269

A RESOLUTION APPROVING THE REQUEST OF A & K CABINET SHOP FOR REFUND FOR OVERPAYMENT OF BUSINESS LICENSE TAXES IN THE AMOUNT OF \$850.59

BE IT RESOLVED by the Council of the City of Modesto that the request of A & K Cabinet Shop for refund of \$850.59 for overpayment of their City business license taxes 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 March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-270

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 12-3-8 OF THE ZONING MAP (American Development Corporation)

WHEREAS, the Modesto City Planning Commission held a public hearing on February 21, 1978 , in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 12-3-8 of the Zoning Map to rezone from R-1 to R-2 and P-D to permit construction of a 75-unit elderly housing project, property located on the south side of Standiford Avenue between Hahn Drive and Conant Avenue the following described property:

SEE EXHIBIT "A" ATTACHED

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-33 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 12-3-8 of the Zoning Map be set for April 3, 1978, at 4:05 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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

R-1 to R-2

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

R-1 to P-D

That portion of Parcel B described as follows:

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

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-271

A RESOLUTION APPROVING ISSUANCE OF A PURCHASE ORDER TO REPAIR THE  
OUTFALL PUMP AT THE WATER QUALITY CONTROL PLANT

WHEREAS, State law allows informal bids for projects below  
\$5,000 but requires Council approval if the amount is over \$3,500;  
and

WHEREAS, two quotes were received for the repair of the outfall  
pump at the Water Quality Control Plant; and

WHEREAS, the low quote of \$4,716.18 submitted by Stanislaus  
Pump Company is considered acceptable.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that issuance of a purchase order in the amount of \$4,716.18  
to Stanislaus Pump Company to repair the outfall pump at the Water  
Quality Control Plant is hereby approved.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 13th day of March,  
1978, by Councilmember Dunlap , 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-272

A RESOLUTION APPROVING THE FINAL MAP OF THE  
COLONIAL COMMONS NO. 2  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Robert P. Bomberger & Muriel F. Bomberger, husband and wife,  
and Harley D. Brannan & Norma F. Brannan, husband and wife,

1/s (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 4.544 acres, known as the  
Colonial Commons No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 17th day of  
January, 1978 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 Colonial Commons No. 2  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-273

A RESOLUTION APPROVING THE FINAL MAP OF THE  
WHITMORE INDUSTRIAL PARK NO. 1  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Rule Enterprises, a corporation

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is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 14.172 acres, known as the  
Whitmore Industrial Park No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 17th day of  
May, 1977; 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 Whitmore Industrial Park No. 1  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-274

A RESOLUTION APPROVING ADJUSTMENTS TO THE FINAL  
BUDGET OF THE CITY OF MODESTO FOR THE FISCAL YEAR  
1977-78.

WHEREAS, adjustments are required to the final budget of the City of Modesto  
for the fiscal year 1977-78, and

WHEREAS, financing of these adjustments is available from other appropriation  
savings or the general reserve,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the following adjustments be made to the final budget of the City of Modesto for  
the Fiscal Year 1977-78:

ADJUSTMENTS

GENERAL FUND (Fund No. 101)

FROM:

Interfund Transfer Out	(940-900-101)	\$141,223.00
Equipment Rental	(218-150-101)	34.00
	(218-223-101)	73.00
	(218-370-101)	1,386.00
	(218-580-101)	23.00
	(218-650-101)	799.00
M & R, Buildings & Grounds	(224-390-101)	3,100.00
Fire Control System	(5302-390-101)	850.00
Unemployment Insurance	(407-640-101)	171,832.00
Salaries (Part Time)	(120-320-101)	10,000.00
Chem & Drug & Lab Supplies	(312-350-101)	1,500.00
Group Health Insurance	(426-640-101)	15,000.00
Fund Balance	(95-101)	<u>230,583.00</u>
	TOTAL	<u>\$576,403.00</u>

GENERAL FUND (Fund No. 101)

TO:

Utilities	(210-210-101)	\$ 1,685.00
Utilities	(210-220-101)	6,637.00
Utilities	(210-290-101)	1,231.00
Utilities	(210-300-101)	652.00
Utilities	(210-330-101)	1,102.00
Utilities	(210-350-101)	8,096.00
Utilities	(210-360-101)	33.00
Utilities	(210-370-101)	595.00
Utilities	(210-380-101)	4,276.00
Utilities	(210-390-101)	2,212.00
Utilities	(210-430-101)	92,996.00
Utilities	(210-500-101)	73,963.00
Utilities	(210-520-101)	7,243.00
Utilities	(210-530-101)	85,301.00
Equipment Rental	(218-080-101)	1,093.00
Equipment Rental	(218-090-101)	918.00
Equipment Rental	(218-130-101)	28.00
Equipment Rental	(218-140-101)	19.00
Equipment Rental	(218-180-101)	239.00
Equipment Rental	(218-210-101)	2,071.00
Equipment Rental	(218-220-101)	62,389.00
Equipment Rental	(218-270-101)	680.00
Equipment Rental	(218-320-101)	24.00
Equipment Rental	(218-350-101)	3,475.00
Equipment Rental	(218-360-101)	759.00
Equipment Rental	(218-380-101)	4,002.00
Equipment Rental	(218-410-101)	3,665.00
Equipment Rental	(218-420-101)	2,771.00
Equipment Rental	(218-430-101)	1,824.00
Equipment Rental	(218-500-101)	11,042.00
Equipment Rental	(218-510-101)	12,876.00
Equipment Rental	(218-520-101)	2,860.00
Equipment Rental	(218-530-101)	460.00
Equipment Rental	(218-540-101)	28,816.00
Equipment Rental	(218-560-101)	3,527.00
Waterline Extensions	(6804-500-101)	60,000.00
General Reserve	(60-800-101)	<u>86,843.00</u>
TOTAL		<u><u>\$576,403.00</u></u>

SEWER FUND (Fund No. 212)

FROM:

State Grants	(270-212)	\$ 68,415.00
Federal Grants	(271-212)	410,489.00
Waste Water Treatment Disposal Unit #1	(6640-212)	<u>288,281.00</u>
	TOTAL	<u>\$767,185.00</u>

TO:

West Trunk	(6777-212)	\$730,600.00
General Reserve	(60-800-212)	<u>36,585.00</u>
	TOTAL	<u>\$767,185.00</u>

AIRPORT (Fund No. 230)

FROM:

General Reserve	(60-800-230)	<u>\$ 4,121.00</u>
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TO:

Utilities	(210-460-230)	<u>\$ 4,121.00</u>
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SPECIAL FUND FOR CAPITAL OUTLAY (Fund No. 321)

FROM:

General Reserve	(60-800-321)	\$124,950.00
Reimbursements	(625-321)	100,000.00
Revenue by Transfer	(941-321)	90,000.00
Senior Citizens Center	(8381-270-321)	<u>70,000.00</u>
		<u>\$384,950.00</u>

TO:

Acquire Land - Station #7	(6117-210-321)	\$ 45,000.00
15006PM Pumper Station #7	(6932-210-321)	27,000.00
City Hall Expansion - Furnishings	(6050-410-321)	38,000.00
City Hall Expansion - Remodeling	(6908-410-321)	11,000.00
Senior Citizens Center	(6984-270-321)	103,950.00
Senior Citizens Center	(8984-270-321)	<u>160,000.00</u>
		<u>\$384,950.00</u>

REVENUE SHARING TRUST FUND (Fund No. 611)

FROM:

General Reserve	(60-800-611)	<u>\$ 90,000.00</u>
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TO:

Interfund Transfer Out	(940-900-611)	<u>\$ 90,000.00</u>
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A. R. F. A. (Fund No. 612)

FROM:

Office Supplies	(301-000-612)	\$ 21,825.00
Fund Balance	(95-612)	<u>25,000.00</u>
		<u>\$ 46,825.00</u>

TO:

Advertising	(230-100-612)	\$ 2,000.00
Professional Services	(235-100-612)	900.00
Photocopy Supplies	(217-110-612)	9,000.00
Microfilm Supplies	(317-110-612)	525.00
Advertising	(230-140-612)	13,000.00
Business Expense	(208-180-612)	1,400.00
Contractual Services	(240-223-612)	<u>20,000.00</u>
		<u>\$46,825.00</u>

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Attorney

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 275

A RESOLUTION AMENDING THE CITY OF MODESTO FISCAL YEAR 1977/78 FINAL BUDGET TO ESTIMATE REVENUES AND ESTABLISH APPROPRIATIONS FOR THE SCHOOL SITE AND FACILITIES TAX FUND.

WHEREAS, the City of Modesto has implemented a School Site and Facilities Tax to provide an additional source of revenue for School Site Acquisition and Improvement, and

WHEREAS, a separate fund has been established for this purpose, and

WHEREAS, revenues must be estimated and appropriations established within such fund to provide for the appraisal of school sites to be purchased during the next fiscal year in accordance with current expenditure priorities adopted by the Council of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto Fiscal Year 1977/78 Final Budget be amended as follows:

School Site and Facilities Tax Fund (Fund 300)

Estimated Revenue

Account 117-00 School Site Tax \$ 167,300.00

Appropriations

Account 6262 Empire Senior Elementary 5,000.00

Account 6273 Hart Ransom Elementary 5,000.00

Account 6263 Salida Elementary 5,000.00

Account 6264 Sylvan Elementary 5,000.00

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 13th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-276

A RESOLUTION DETERMINING THE RESULT OF AN ELECTION  
HELD IN THE SUTTER-COLORADO  
ADDITION FOR ANNEXATION OF SAID ADDITION TO THE CITY  
OF MODESTO

WHEREAS, a special election was held on the 7th day of March,  
1978, in the Sutter-Colorado Addition, near the City of Modesto,  
County of Stanislaus, State of California, and contiguous to the City limits of said City,  
and which territory is particularly described as attached hereto, and

WHEREAS, the said City Council of the City of Modesto finds after due  
examination that due notice of said election was published in The Ceres Courier  
, a newspaper of general circulation printed and published outside the  
City of Modesto, but in Stanislaus County, California, which said notice appeared in  
said newspaper on February 8, 15, 22 and March 1, in the year 1978,  
and that prior to said publication in said newspaper a date was set giving due notice that  
owners of property in said Sutter-Colorado Addition could  
appear before said City Council on the 12th day of December, 1977,  
to protest holding of said election; and it further appearing to the said Council and  
the said Council so finds that all other requirements of the Annexation Act of 1913,  
as amended, and all other requirements of the Election Laws of the State of  
California have been duly and regularly followed and that all of the procedures  
adopted and employed in the annexation proceedings and in the holding of said election  
are proper and legal, and

WHEREAS, after the holding of said election, the election officers  
thereof delivered to and deposited with the Clerk of this Council the ballots, tally sheets,  
and the returns of said election, and it appearing and the Council so finding that the  
proposition submitted at said election was whether or not such territory shall be

annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election,

NOW, THEREFORE, BE IT RESOLVED, CERTIFIED AND DECLARED BY THE COUNCIL OF THE CITY OF MODESTO that the said Special Election held in said territory to determine whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election, was regularly called, held, and conducted as required by law; that the proper and complete returns thereof have been made and received; that the same have been properly canvassed; that from the returns so canvassed as aforesaid, it appears and the Council so finds that at said special election the total number of votes cast was and is 77; that the number of votes cast for annexation was and is 27; that the number of votes cast against annexation was and is 50; that the number of votes cast which were voided was 0; that the total number of votes cast at each special precinct and by absent voters and the total number of votes cast at each special precinct and by absent voters for annexation and the total number of votes cast at

each special precinct and by absent voters against annexation and the total number of votes cast at each special precinct and by absent voters which were voided were and are as follows:

<u>Special Precinct No. and Absent Voter Ballots</u>	<u>Total Votes Cast</u>	<u>In Favor of Annexation</u>	<u>Opposed to Annexation</u>	<u>Voided</u>
Special Precinct No. 55A	76	26	50	0
Absent Voter Ballots	1	1	0	0
	<hr/> 77	<hr/> 27	<hr/> 50	<hr/> 0

That said City Council further finds that the measure, to wit: "Shall the Sutter-Colorado Addition be annexed to, incorporated in, and made a part of the City of Modesto, and the property therein be subjected to taxation after annexation equally with the property within the City to pay the bonded indebtedness of the City of Modesto for the acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of election?" held to determine whether or not said property shall be annexed to the City, did not receive a majority of the votes cast for annexation and that, therefore, said measure was defeated.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 1978, by Councilmember Kullijian, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Alfred St. ...  
Public Works Department

November 4, 1977  
August 9, 1977  
July 22, 1977

SUTTER - COLORADO ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of the BELLENITA ADDITION (169) as per description filed October 19, 1964, as Instrument 41437, Stanislaus County Records;

1. thence along the existing City Limits of said Addition (169), North 664.98 feet, to the Northeastern corner of said Addition (169);
2. thence leaving the existing City Limits along the Northern line of the MODESTO HIGH SCHOOL TRACT, as per map filed April 21, 1925, in Volume 9 of Maps, Page 90, Stanislaus County Records, North 89° 48' 00" East, 1338.00 feet, to the existing City Limits, on the Western line of the YOUNG ADDITION (149) as per description filed February 8, 1963, as Instrument 5122, Stanislaus County Records;
3. thence along the existing City Limits and Western line of said Addition (149) South 1329.96 feet, to a Southwestern corner of said Addition (149) and a Northeastern corner of the DRYDEN-DURAND ADDITION (61) as per description filed June 23, 1955, as Instrument 18187, Stanislaus County Records;
4. thence along the existing City Limits and Northern line of said Addition (61), South 89° 48' 00" West, 678.20 feet to the Northwestern corner of said Addition (61) and the Northeastern corner of the MODESTO SEWER PLANT AREA (28), as per description filed March 7, 1950, as Instrument 5120, Stanislaus County Records;
5. thence along the existing City Limits and Northern line of said Addition, South 89° 48' 00" West, 659.10 feet, to the Northwestern corner of said Addition (28) and the Eastern line of the BELLENITA NO.2 ADDITION (198);
6. thence along said Eastern line, North 664.98 feet, to the Northeastern corner of said Addition (198) and the Southeastern corner of the BELLENITA ADDITION (169), to the point of beginning, containing 41.001 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-277

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ELDON R. HARRISON).

WHEREAS, on March 13, 1978, the City Council adopted Ordinance 1718-C. S. giving approval to a project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto reclassifying certain property located thereon from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3.

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto reclassifying certain property located thereon from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of March, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-278

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR MODIFYING TRAFFIC SIGNALS ON BRIGGSMORE AT COLLEGE AND AT TULLY

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

SECTION 1. The plans and specifications for modifying traffic signals on Briggsmore at College and at Tully copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 18, 1978, at 2:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-279

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLING GUARD RAIL ON TUOLUMNE BOULEVARD AT THE FREEWAY 99 UNDERCROSSING

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

SECTION 1. The plans and specifications for installing guard rail on Tuolumne Boulevard at the Freeway 99 undercrossing copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 11, 1978, at 2:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-280

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINE EXTENSIONS IN 17TH STREET AND IN SISK ROAD

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

SECTION 1. The plans and specifications for construction of waterline extensions in 17th Street and in Sisk 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 April 4, 1978, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-281**

**A RESOLUTION ACCEPTING THE BID OF C & C TRAILER AND BODY FOR FURNISHING ONE GARDEN REFUSE PACKER TRUCK**

WHEREAS, Resolution No. 77-1336, adopted by the Council of the City of Modesto on December 27, 1977, approved the plans and specifications for the furnishing of one garden refuse packer truck

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of one garden refuse packer truck were opened at 2:15 p.m. on January 31, 1978 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 C & C Trailer & Body in the amount of \$53,773.22

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of C & C Trailer & Body in the amount of \$53,773.22

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 March,

1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

RESOLUTION 78-282 UNUSED

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-283

A RESOLUTION ACCEPTING THE INSTALLATION OF THE CITY HALL SOUND SYSTEM

WHEREAS, a report has been filed by the Director of Public Works that the installation of the City Hall sound system has been completed by Delta Sound and Radio, Inc.

in accordance with the contract agreement dated October 3, 1977.

NOW, THEREFORE, BE IT RESOLVED that the installation of the City Hall sound system be accepted from said contractor, Delta Sound and Radio, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$7,879.54 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 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-284

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL  
PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES  
INCLUDING A PARKING LOT ADJACENT TO McHENRY MANSION  
(BROOKS).

WHEREAS, on February 21, 1978, the Council of the City of Modesto by Resolution No. 78-220 set a hearing for March 20, 1978, to consider a resolution of necessity to acquire certain real property, hereinafter described, by eminent domain proceedings for municipal purposes, including a parking lot, and

WHEREAS, after notice duly given to the property owners said hearing was waived by failure to file a written request to appear and be heard,

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 pursuant to Sections 37350, 5 and 37351 of the Government Code of the State of California.

3. The taking of said real property for said project is also authorized pursuant to Sections 37353 and 40404 of the Government Code of the State of California.

4. 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.

5. The real property which is hereinafter described consists of a paved parcel approximately 100 feet x 140 feet located on the northeast side of Fifteenth Street near its intersection with "I" Street adjacent to the McHenry Mansion and 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, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and in the City of Modesto, State of California, more particularly described as follows:

All that portion of the Southeast quarter of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lots 21, 22, 23, and 24 in Block 122 of the CITY OF MODESTO, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on December 21, 1942, in Volume 15 of Maps.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Paul Campbell  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-285

A RESOLUTION APPROVING AN OUTSTANDING CITIZEN AWARD PROGRAM SPONSORED BY THE MODESTO HUMAN RIGHTS COMMISSION AND COMMENDING THE HUMAN RIGHTS COMMISSION FOR ITS EFFORTS

WHEREAS, the Human Rights Commission of the City of Modesto is seeking public support in identifying the local citizen and/or organization that has made outstanding contributions toward bettering human rights and eliminating discrimination in one or more of the following major areas: employment, housing, public services, education and voter registration; and

WHEREAS, through this public recognition, the Human Rights Commission hopes to increase public awareness in this area and encourage other individuals and organizations to take positive action to improve our community; and

WHEREAS, funds are available for the costs of awards and presentation ceremonies.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Outstanding Citizen Award program, sponsored by the City of Modesto Human Rights Commission is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Human Rights Commission is hereby commended for its efforts to encourage positive action in the community through this program.

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

1978, by Councilmember Mensinger, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-286

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER  
WOODLAND NEIGHBORHOOD PLANNING ALTERNATIVES

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that April 10, 1978 , at 7:40 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of Woodland Neighborhood  
planning alternatives

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 20th day of  
March, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensingher, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-287

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON THE INSTALLATION OF CURBS AND/OR SIDEWALKS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 10, 1978, at 7:35 P.M. in the Council Chambers, City Hall, 101 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of installation of curbs and/or sidewalks along certain streets 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 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

COST OF INSTALLATION  
OF CURBS AND/OR SIDEWALKS

- (a) Curb and sidewalk at 1224 Floyd Avenue, a portion of Block 12930. (Dale E. Bradley - \$870.00)
- (b) Curb and sidewalk at 336 and 334 W. Granger Avenue, a portion of Block 6129. (Anna Cauthon - \$715.00)
- (c) Sidewalk at 429 El Vista Avenue, lot 16 of Block 2258 (James Clark - \$225.00)
- (d) Curb and sidewalk at 133 Corson Avenue, lot 15 of Block 652. (Terry F. Gilmon - \$838.00)
- (e) Sidewalk at 1621 Teresa Street, lot 11 of Block 6081 (Merle Hart - \$166.00)
- (f) Curb and sidewalk at 1020 Franklin Street, a portion of Block 343 (Buschman and Castillo - \$959.00)
- (g) Sidewalk along Bermuda Way at 600 Bermuda Way, lot 6 of Block 6066. (Leslie L. Kohn - \$244.00)
- (h) Sidewalk along Norwegian Avenue, at 1904 Lacieneja Drive, a portion of Block 6905 (John C. Lewis - \$758.00)
- (i) Curb and sidewalk at 1236 Floyd Avenue, a portion of Block 12930. (Rowena D. Phillips - \$810.00)
- (j) Sidewalk at 500 El Vista Avenue, lot 1 of Block 2256 (John Joseph Ranson - \$248.00)
- (k) Sidewalk at 1628 Teresa Street, lot 24 of Block 6082. (Hazel J. Robertson - \$158.00)
- (l) Curb and sidewalk along Gordon Avenue and Norwegian Avenue, at 1001 Norwegian Avenue, a portion of Block 12904. (Vernon L. Rushing - \$2562.00)
- (m) Sidewalk along El Vista Avenue, and Roble Avenue at 2133 Roble Avenue, lot 10 of Block 2258. (Robert Seward - \$610.00)
- (n) Sidewalk at 1625 Teresa Street, lot 10 of Block 6081 (Virgil L. Thumall - \$138.00)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-288

A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR APPROVAL OF  
FOURTH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO HUD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that March 27, 1978, at 7:55 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of approval of Fourth  
Year Community Development Block Grant application to HUD.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 20th day of  
March, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensing, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

A RESOLUTION ACCEPTING IMPROVEMENTS IN SPRINGCREEK NO. 2 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Vince G. Lancey, subdivider of Springcreek No. 2 Sub-division, has filed Subdivision Bonds for faithful performance and labor and materials in the amount of \$121,200.00 and \$60,600.00 respectively to guarantee improvements in Springcreek No. 2 Subdivision.

WHEREAS, the Director of Public Works in a emmorandum dated March 9, 1978, 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 Springcreek No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$121,200.00 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 \$60,600.00 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 20th day of March, 1978, by Councilmember Dunlap , who moved its adoption, which

motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-290

A RESOLUTION APPROVING THE FINAL MAP OF THE  
SUNRISE NO. 2  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Security Pacific National Bank, a National  
Banking Association

is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 3.658 acres, known as the  
Sunrise No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 3rd day of  
January, 1978, 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 Sunrise No. 2  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Mensingher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-291

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALVIN C. WAGNER FOR THE LEASE OF CITY-OWNED HOUSE AT 626 BRIGHTON AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Alvin C. Wagner for the lease of City-owned house at 626 Brighton 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 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-292

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER  
RESOLUTION OF NECESSITY TO ACQUIRE AVIGATION EASEMENTS ADJACENT  
TO THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that April 17, 1978 , at 4:05 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Mcdesto, California, is hereby  
set as the time and place for cnsideration of a Resolution of  
Necessity to acquire avigation easements adjacent to 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 20th day of  
March, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensinger, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 98-293  
AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND DALE C. MINER, ELLEN MINER, BEN C. TURNER AND JOYCE TURNER FOR KING'S BENCH RESTAURANT AND LOUNGE LEASE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Dale C. Miner, Ellen Miner, Ben C. Turner and Joyce Turner for amendment to lease agreement for King's Bench Restaurant and Lounge be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

RESOLUTION 78-294 UNUSED

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-295

A RESOLUTION APPROVING THE FINAL MAP OF THE  
WESTRIDGE NO. 2  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Paul M. Zagaris and Liberty Zagaris, husband and wife,

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is (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 16.632 acres, known as the  
Westridge No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 5th day of  
October, 1976, 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 Westridge No. 2  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Mensinger, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-296

A RESOLUTION APPROVING THE FINAL MAP OF THE  
WESTRIDGE NO. 3  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Paul M. Zagaris and Liberty Zagaris, husband and wife,

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1/3 (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 9.794 acres, known as the  
Westridge No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 5th day of  
October, 1976, 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 Westridge No. 3  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Mensingher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-297

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,750 FROM ACCOUNT 120-180-101 SALARIES, PART-TIME, TO ACCOUNT 235-110-101 SERVICES, PROFESSIONAL AND OTHER

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

FROM:	SALARIES & WAGES, PART-TIME (Planning & Community Development)	\$1,750
TO:	SERVICES, PROFESSIONAL & OTHER (Word Processing Center)	\$1,750

Appropriation transfer needed in order to pay salaries for part-time employees needed to meet peak or unusual demands in the Word Processing Center.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-298

A RESOLUTION WAIVING THE ONE YEAR LIMITATION ON A NEW APPLICATION BY HORN CONSTRUCTION COMPANY FOR AN AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, TO RECLASSIFY CERTAIN PROPERTY LOCATED THEREON.

WHEREAS, Section 10-2.2103 of the Modesto Municipal Code provides that no application for a zone boundary change shall be accepted by the Planning Commission for any property or area for which a previous application for a zone boundary change has been denied until one year has elapsed from the date of such denial, except that the City Council or the Planning Commission may waive the one year limitation, and

WHEREAS, an application for a zone boundary change to amend Section 25-3-9 of the Zoning Map was filed by Horn Construction Company on October 24, 1977, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property comprised of two tiers of lots with frontage on Clogston Way in the City of Modesto, and

WHEREAS, at a public hearing held on February 27, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council of the City of Modesto denied the requested rezoning, and

WHEREAS, in accordance with the provisions of Section 10-2.2103 of the Modesto Municipal Code, the Council, at its meeting held on March 27, 1978, determined that it was appropriate to waive the one year limitation in order that Horn Construction Company could submit a new application to the Planning Commission for an amendment to Section 25-3-9 of the Zoning Map to reclassify the property for which rezoning had been denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with the provisions of Section 10-2.2103 of the Modesto Municipal Code, it hereby waives the one year limitation for Horn Construction

Company to submit a new application to the Planning Commission for an amendment to Section 25-3-9 of the Zoning Map to reclassify the following described property:

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

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

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

BE IT FURTHER RESOLVED that this Council finds and determines that the waiving of the one year limitation will not adversely affect the interest of the general public.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *William Smith*  
Department of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-299

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DAVID B. RYAN AS A MEMBER OF THE PLANNING COMMISSION, EFFECTIVE MARCH 21, 1978

WHEREAS, David B. Ryan was appointed as a member of the Planning Commission on March 24, 1970; and

WHEREAS, David B. Ryan has tendered his resignation as a member of the Planning Commission, effective March 21, 1978; and

WHEREAS, David B. Ryan has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of David B. Ryan as a member of the Planning Commission is hereby accepted with regret;

BE IT FURTHER RESOLVED that the Council, on its own behalf, and on behalf of the Citizens of Modesto, hereby expresses its sincere appreciation to David B. Ryan 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 27th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Sierkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-300

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF CURB AND GUTTER ON BRIGGSMORE AVENUE FROM PRESCOTT ROAD TO TULLY ROAD

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

SECTION 1. The plans and specifications for the construction of curb and gutter on Briggsmore Avenue from Prescott Road 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 April 10, 1978 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-301

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR CONSTRUCTION OF SCENIC DRIVE - ROSE AVENUE INTERSECTION

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

SECTION 1. The plans and specifications for the construction of Scenic Drive - Rose Avenue Intersection copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on April 18, 1978 at 11:10 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-302

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN CARPENTER  
MANOR AND RANDY PARK SUBDIVISIONS

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of waterlines in Carpenter  
Manor and Randy Park Subdivisions  
has been completed by American Engineers

in accordance with the contract agreement dated November 28, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
waterlines in Carpenter Manor and Randy Park Subdivisions  
be accepted from said contractor, American Engineers

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$18,233.80  
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 27th day of  
March, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Sieikin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-303

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (PALMILLA DRIVE ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on February 13, 1978, duly adopted Resolution No. 78-193 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 168 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, March 27, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 168 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 168 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 168, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 168, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Dunlap, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

October 11, 1977  
September 2, 1977

PALMILLA DRIVE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 5, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northern line of STANDIFORD-TULLY NO. 1 ADDITION (309), as per description filed August 28, 1973, as Instrument 8127, Stanislaus County Records:

1. thence along the existing City Limits on the Northern line of said Addition (309), South  $39^{\circ} 28' 40''$  East, 47.44 feet;
2. thence along said Addition (309), South  $63^{\circ} 01' 40''$  East, 50.00 feet;
3. thence along said Addition (309), South  $89^{\circ} 39' 40''$  East, 1,398.05 feet;
4. thence leaving the existing City Limits and said Addition (309), North  $1^{\circ} 30' 00''$  West, 1,002.94 feet along the Westerly right-of-way line of the Tidewater Southern Railroad;
5. thence along the Southerly right-of-way line of Modesto Irrigation District Lateral No. 6, South  $67^{\circ} 13' 00''$  West, 808.17 feet;
6. thence continuing along said right-of-way line of Lateral No. 6, along a tangent curve, having a radius of 242.9 feet, a central angle of  $17^{\circ} 16' 00''$ , and a curve length of 80.19 feet;
7. thence along said right-of-way line of Lateral No. 6, South  $49^{\circ} 57' 00''$  West, 968.88 feet;
8. thence along said right-of-way line of Lateral No. 6, along a tangent curve, having a radius of 367.9 feet, a central angle of  $9^{\circ} 27' 52''$ , and a curve length of 60.77 feet to the point of beginning containing 21.0 acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on March 27, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Dunlap, and adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: March 28, 1978

Norrine Coyle  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-304

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (CALIFORNIA-PANAMA ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on February 13, 1978, duly adopted Resolution No. 78-194 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 169 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, March 27, 1978, at the hour of 7:35 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 169 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 169 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 169, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 169, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Dunlap,

who moved its adoption, which motion being duly seconded by Council-  
member Mensinger, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *[Signature]*  
Public Works Department

October 27, 1977  
October 12, 1977  
October 3, 1977  
September 20, 1977

CALIFORNIA - PANAMA ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern boundary of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point being 1,302.47 feet West of the interior corner of Section 31 on the Southern boundary of said Addition (70):

1. thence along the existing City Limits on the Southern line of said Addition (70), North  $89^{\circ} 55' 00''$  East, 660.00 feet, to the centerline of 40.00 foot Panama Drive;
2. thence leaving the existing City Limits along the centerline of Panama Drive, South  $00^{\circ} 04' 17''$  East, 1355.11 feet to the centerline of 40.00 foot Houser Lane;
3. thence along the centerline of Houser Lane, South  $89^{\circ} 44' 43''$  West, 314.00 feet;
4. thence North  $00^{\circ} 04' 17''$  West, 200.00 feet;
5. thence South  $89^{\circ} 55' 00''$  West, 346.00 feet;
6. thence North  $00^{\circ} 04' 17''$  West, 1156.05 feet, to the point of beginning, containing 18.954 acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on March 27 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Dunlap, seconded by Councilman Mensinger, and adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Jullijian, Lang, Mensinger, Siskin, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: March 28, 1978

Norrine Coyle  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-305

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (ORANGEBURG-FRANSEN ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on February 13, 1978, duly adopted Resolution No. 78-195 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 170 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, March 27, 1978, at the hour of 7:40 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 170 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 170 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 170, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 170, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Dunlap, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

Corrected Nov. 21, 1977  
Corrected Sept. 8, 1977  
August 9, 1977

ORANGEBURG-FRANSEN ADDITION

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

Beginning at a point on the existing City Limits as established by the Southwestern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per map filed May 8, 1975, as Instrument 43098, Stanislaus County Records;

1. thence along the existing City Limits on a Northern line of SPRING CREEK ADDITION (325), as per map filed January 15, 1975, as Instrument 26879, Stanislaus County Records, South  $64^{\circ} 37' 34''$  West 359.98 feet;
2. thence along an Eastern line of ORANGEBURG-LILLIAN ADDITION (302), as per map filed March 22, 1973, as Instrument 40448, Stanislaus County Records, North  $0^{\circ} 52' 54''$  West 1322.68 feet;
3. thence leaving the existing City Limits along the center line of 40.00 foot East Orangeburg Avenue North  $89^{\circ} 21' 00''$  East, 328.06 feet;
4. thence along the Western line of said Addition (331) South  $0^{\circ} 51' 39''$  East, 1172.11 feet, to the point of beginning, containing 9.287 acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on March 27, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Dunlap, and adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on March 27, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Dunlap, and adopted by the following vote:

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

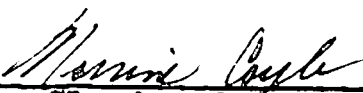
NOES: Councilmen: None

ABSENT: Councilmen: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: March 28, 1978

  
Norrine Coyle  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-306

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (PARADISE-ROUSE ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on February 13, 1978, duly adopted Resolution No. 78-196 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 171 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, March 27, 1978, at the hour of 7:45 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 171 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 171 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 171, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 171, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Mensing, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *[Signature]*  
Public Works Department

PARADISE-ROUSE ADDITION

All that real property in the State of California, County of Stanislaus, being portions of the Northeast quarter of Section 6, Township 4 South, Range 9 East, and the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southernmost point of the GANT ADDITION (138), as per description filed October 18, 1962, as Instrument 39842, Stanislaus County Records, said point being the Northwestern corner of PARADISE CENTER NO. 2 ADDITION (92), as per description filed April 14, 1959, as Instrument 10647, Stanislaus County Records, said point also being the Northernmost point of NAVON ADDITION (110), as per description filed June 29, 1960, as Instrument 18294, Stanislaus County Records, said point also being on the Southeastern line of 66.00 foot Paradise Road;

1. thence along the Northwestern line of said ADDITION (110) and Southeastern line of said 66.00 foot Paradise Road, South  $49^{\circ} 17' 00''$  West, 379.47 feet, to the Westernmost point of said ADDITION (110), said point being the Southeastern corner of said 66.00 foot Paradise Road and 60.00 foot Chicago Avenue, said point also being on the boundary of PARADISE CENTER ADDITION (80), as per description filed May 21, 1958, as Instrument 12573, Stanislaus County Records;
2. thence along a Northwestern line of said ADDITION (80) and continuing along said Southeastern line of 66.00 foot Paradise Road, South  $49^{\circ} 17' 00''$  West, 957.23 feet;
3. thence continuing along the boundary of said ADDITION (80) South  $89^{\circ} 05' 00''$  West, 12.50 feet;
4. thence South  $49^{\circ} 17' 00''$  West, 111.66 feet, to the Western line of said ADDITION (80);
5. thence along said Western line, South  $01^{\circ} 00' 00''$  East, 375.45 feet, to the Southwestern corner of said ADDITION (80);
6. thence along the Southern line of said ADDITION (80), North  $89^{\circ} 00' 00''$  East, 190.00 feet, to a Northwestern corner of HUDSON-UCCELLO ADDITION (51), as per description filed August 28, 1953, as Instrument 21233, Stanislaus County Records;
7. thence along the boundary of said ADDITION (51), South  $01^{\circ} 00' 00''$  East, 164.00 feet;
8. thence South  $89^{\circ} 00' 00''$  West, 190 feet;
9. thence South  $01^{\circ} 00' 00''$  East, 696.32 feet, to the Southwestern corner of said ADDITION (51), said Southwestern corner being on the Northern line of 60.00 foot Rouse Avenue;

10. thence along the Southern line of said ADDITION (51) and said Northern line of 60.00 foot Rouse Avenue, North  $89^{\circ} 00' 00''$  East, 290.35 feet, to the Northwestern corner of KAZMIR COURT ADDITION (245), as per description filed December 1, 1969 as Instrument 39351, Stanislaus County Records;
11. thence along the Western line of said ADDITION (245), said Western line being 20.00 feet East of the West line of 30.00 foot Yvonne Lane and its Northerly extension, South  $00^{\circ} 27' 00''$  East, 768.93 feet, to the Southeastern corner of the property conveyed to Silas W. Green, et ux, by deed recorded October 1, 1974, as Instrument 13077, Stanislaus County Records;
12. thence leaving the existing City Limits along a Southern line of said Green property, South  $82^{\circ} 19' 50''$  West, 489.20 feet, to the Southwestern corner of said Green property;
13. thence along a Western line of said Green property and its Northerly extension, North  $00^{\circ} 21' 46''$  West, 796.40 feet, to the center line of 60.00 foot Rouse Avenue;
14. thence along said center line of 60.00 foot Rouse Avenue, South  $89^{\circ} 00' 00''$  West, 444.20 feet, to the Southerly extension of the Western line of the property conveyed to Gary Gervasoni, et ux, by deed recorded November 27, 1973, as Instrument 20853, Stanislaus County Records;
15. thence along said Western line and its Southerly extension of said Gervasoni property, North  $01^{\circ} 27' 34''$  West, 397.08 feet, to the Southeastern corner of the property conveyed to Gary E. Bright, et ux, by deed recorded February 27, 1968, as Instrument 6180, Stanislaus County Records;
16. thence along the Southern line of said Bright property, South  $86^{\circ} 55' 55''$  West, 127.05 feet, to the Southwestern corner of said Bright property;
17. thence along the Western line of said Bright property and its Northerly extension, North  $00^{\circ} 47' 09''$  West, 267.65 feet, to the center line of 66.00 foot Paradise Road;
18. thence along said center line, North  $49^{\circ} 17' 00''$  East, 2459.81 feet, to a point on the existing City Limits as established by the intersection of the center line of 66.00 foot Paradise Road at the Western boundary of said ADDITION (138);
19. thence along the existing City Limits on said Western boundary of ADDITION (138), South  $03^{\circ} 37' 30''$  East, 41.37 feet, to the point of beginning, containing 26.635 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on March 27, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Mensing, and adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Lang, Mensinger, Biefkin, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: March 28, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 307

A RESOLUTION APPROVING A DEVELOPMENT PLAN  
FOR PLANNED-DEVELOPMENT ZONE, P-D (180).

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

WHEREAS, a public hearing was held by the Planning Commission on December 20, 1977, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which hearing the Planning Commission by Resolution No. 77-223 recommended to the City Council approval of the requested zoning to Medium High Density Residential Zone, R-3, and a portion of the requested rezoning to Medium Density Residential Zone, R-2, and

WHEREAS, the Planning Commission continued the public hearing until January 17, 1978, in regard to the remaining portion of the requested rezoning to Medium Density Residential Zone, R-2, fronting on East Orangeburg Avenue and requested that plot plans and elevations for a medium density residential Planned Development Zone be submitted for Commission review, and

WHEREAS, at the Planning Commission's January 17, 1978, meeting, the public hearing was continued until February 7, 1978, to give the applicant additional time to submit Planned Development Zone plot plans and elevations, and

WHEREAS, the property proposed to be reclassified from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D, is described as follows:

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

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

Containing 4.929 acres

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

WHEREAS, after said continued public hearing held on February 7, 1978, it was found and determined by the Planning Commission that rezoning of the above described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D, is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed R-2 zone residential density is appropriate for the site due to its location on what will be a heavily traveled collector street and it will provide a buffer between the proposed R-3 zone to the east and the single family residences to the west.
2. The PD zone plot plan guarantees that there will be a minimum number of driveways on East Orangeburg Avenue and that garages of the project will be situated to allow cars exiting from the project to East Orangeburg Avenue to do so without backing onto the street.

WHEREAS, after a public hearing held on March 27, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Planning Commission recommendation to rezone the above described property from Low Density Residential Zone, R-1, to Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1700 -C.S. on the 27th day of March, 1978, reclassifying the above-described property from Low Density Residential Zone, (R-1) to Planned-Development Zone, P-D (180).

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 (180), is hereby approved in accordance with the plan titled "Orangeburg Avenue - Santa Paula Drive"

\_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on February 7, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development be in accordance with the plan referred to above.
2. That prior to the issuance of a building permit for any structure, a subdivision map shall be recorded in accordance with Chapter 4 of Title IV of the Modesto Municipal Code.
3. That all parking and driveway areas shall be improved in accordance with city standards including the provisions of Sections 10-2.1801, 10-2.1804 and 10-2.1808 of the Municipal Code. The drainage facilities for the parking areas shall be approved by the Director of Public Works.
4. That all landscaping, fences, and walls shall be maintained and that the premises be kept free of weeds, trash and other debris.
5. That all development shall be connected to the city water and sanitary sewer facilities in accordance with the requirements of the Director of Public Works.
6. That all signs within the P-D Zone shall comply with the R-2 Zone sign provisions.
7. That prior to issuance of a building permit recorded reciprocal easements for joint use of driveways shall be prepared and recorded in a manner approved by the City Attorney.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (180):

The entire construction program be accomplished in one phase, construction to begin on or before May 1, 1980, and completion to be not later than May 1, 1981.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (180) 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 March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Sieffman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Devics

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM

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

APPROVED AS TO DESCRIPTION:

By William J. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-308

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PAUL M. ZAGARIS)

WHEREAS, on March 27, 1978, the City Council adopted Ordinance No. 1720 giving approval to a project relating to an amendment to Section Map 22-3-9 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (180)

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 22-3-9 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (180)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Sieffkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mullijian, Lang, Mensinger, Sieffkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-309

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR A BLOCK GRANT FOR HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, the U.S. Department of Housing and Urban Development has funds available for Housing and Community Development Block Grants under the Housing and Community Development Act of 1974, and

WHEREAS, the Rules and Regulations relating to said Housing and Community Development Block Grants set forth the eligible activities which may be carried out if a community receives a block grant for housing and community development, and

WHEREAS, the City of Modesto feels that it qualifies to receive such a block grant from the U. S. Department of Housing and Urban Development and wishes to file an application therefor,

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

1. That the City Council hereby authorizes the filing of an application with the U. S. Department of Housing and Urban Development for a Block Grant for Housing and Community Development under the Housing and Community Development Act of 1974.

2. That the City Manager of the City of Modesto is hereby authorized and directed to sign and file said application on behalf of the City of Modesto and is hereby designated as the City of Modesto's authorized representative 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 27th day of March, 1978, by Councilmember Kullijian, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-310

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE WINSORS AND HUTCHESONS FOR PURCHASE OF PROPERTY FOR NORTHWEST MCHENRY PARK SITE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Winsors and Hutchesons

for the purchase of property for Northwest McHenry Park site

be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-311

RESOLUTION AMENDING THE FISCAL YEAR 1977-78  
BUDGET OF CITY OF MODESTO TO PROVIDE FINANCING  
FOR THE NORTHWEST MCHENRY PARK SITE.

WHEREAS, the City considers it advantageous to acquire land immediately for the Northwest McHenry Park Site, a proposed project in the fiscal year 1978-79 Capital Improvement Program, and

WHEREAS, revenue sharing funds are available and appropriate for this purpose,

NOW, THEREFORE, BE IT RESOLVED that the fiscal year 1977-78 Budget of the City of Modesto be amended as follows:

FUND 321 SPECIAL FUND FOR CAPITAL OUTLAY

<u>Revenue</u>		
Account 941	Interfund Transfers In	\$164,250

<u>Appropriations</u>		
Account 8392	Northwest McHenry Neighborhood Park Land Acquisition	164,250

FUND 611 SPECIAL REVENUE SHARING TRUST FUND

<u>Appropriations</u>		
Account 940	Interfund Transfers Out	\$164,250

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davics
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-312

A RESOLUTION ACCEPTING IMPROVEMENTS IN SYLVAN MEADOWS EAST NO. 4  
SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Stone Bros. Real Estate, subdivider of Sylvan Meadows East No. 4 Subdivision, have filed Subdivision Bonds for faithful performance and labor and materials in the amounts of \$273,500.00 and \$136,750.00 respectively to guarantee improvements in Sylvan Meadows East No. 4 Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated March 21, 1977, 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 Sylvan Meadows East No. 4, are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$273,500.00 upon recording of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$136,750.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March,

1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-313

A RESOLUTION ACCEPTING IMPROVEMENTS IN SYLVAN MEADOWS EAST NO. 5  
SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Stone Bros. Real Estate, subdivider of Sylvan Meadows East No. 5 Subdivision, have filed Subdivision Bonds for faithful performance and labor and materials in the amounts of \$ 145,600.00 and \$72,900.00 respectively to guarantee improvements in Sylvan Meadows East No. 5 Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated March 21, 1978, 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 Sylvan Meadows East No. 5, are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$145,600.00 upon recording of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$72,900.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March,

1973, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-314

A RESOLUTION APPROVING THE FINAL MAP OF THE  
WINSOR TRACT NO. 1  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Norman Winsor & Lola Jean Winsor, husband and wife,

Fritz Hutcheson & Betty L. Hutcheson, husband and wife,

is (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 33.780 acres, known as the  
Winsor Tract No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 4th day of  
October, 1977, 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 Winsor Tract No. 1  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-315

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
WILBURN VERNON WEEKS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS  
AT 1433 MORENE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Wilburn Vernon  
Weeks

for sewer service to property outside City limits at 1433 Morene  
Avenue, located on the west side of Morene Avenue, north on East  
Orangeburg,  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
March, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-316

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARCHITECTS HALL, GOODHUE, AND HAISLEY OF MONTEREY FOR THE DESIGNING OF A COMMUNITY CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Hall, Goodhue and Haisley, Monterey for the designing of a community 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 27th day of March, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-317

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$82,500, \$0,000 FOR ARCHITECTURAL FEES AND \$500 FOR THE SELECTION COMMITTEE'S EXPENSES

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

FROM: RESERVE FOR COMMUNITY CENTER RESERVE \$82,500  
(Account 61-800-231)

TO: COMMUNITY CENTER - PARKS \$82,500  
(Account 6271-270-321)

For architectural services of Hall, Goodhue and Haisley, Monterey; plus \$500 to provide for expenses relating to architect selection.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-318

A RESOLUTION ELECTING COUNCILMEMBER CLYDE H. DUNLAP, JR. VICE MAYOR  
OF THE CITY OF MODESTO FOR A PERIOD OF ONE YEAR

BE IT RESOLVED by the Council of the City of Modesto that  
Councilmember Clyde H. Dunlap, Jr. is hereby elected Vice Mayor  
of the City of Modesto for a period of one year.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 27th day of March,  
1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-319

A RESOLUTION APPROVING THE FINAL MAP OF THE  
DAVIDSON ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Hilda Investments, Inc., a corporation,

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is (~~also~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 6.998 acres, known as the  
Davidson Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 16th day of  
August, 1977, 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 Davidson Estates  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of March, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-320

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ONE LIGHT UTILITY PICKUP TRUCK

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

SECTION 1. The plans and specifications for furnishing one light utility pickup 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 13, 1978, at 2:15 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-321**

**A RESOLUTION ACCEPTING THE BID OF GENERAL ELECTRIC CORPORATION FOR  
FURNISHING A GENERAL GOVERNMENT RADIO COMMUNICATIONS SYSTEM**

**WHEREAS, Resolution No. 78-150 , adopted by the Council of the  
City of Modesto on February 6, 1978 , approved the plans and speci-  
fications for the furnishing of a general government radio communica-  
tions system**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of a local govern-  
ment radio communications system**

**were opened at 2:00 p.m., March 9, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of General Electric Corporation in the amount of \$66,850.00  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of General Electric Corporation in the amount of \$66,850.00  
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 3rd day of April,**

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-322

A RESOLUTION ACCEPTING THE CONSTRUCTION OF MODIFYING THE TRAFFIC  
SIGNALS ON 9TH STREET AT COLDWELL/WOODLAND

WHEREAS, a report has been filed by the Director of Parking  
and Traffic that the construction of modifying the traffic signals  
on 9th Street at Coldwell/Woodland

has been completed by Industrial Electrical Company

in accordance with the contract agreement dated April 4, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of modifying  
the traffic signals on 9th Street at Coldwell/Woodland

be accepted from said contractor, Industrial Electrical Company;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$7,880  
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  
April, 1973, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensingger, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Morris Cook  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-323

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CONANT AVENUE FROM HETCH  
HETCHY RIGHT OF WAY TO STANDIFORD AVENUE

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of Conant Avenue from Hetch  
Hetchy right of way to Standiford Avenue

has been completed by L.M. Roberts Construction Company

in accordance with the contract agreement dated December 12, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
Conant Avenue from Hetch Hetchy right of way to Standiford Avenue  
be accepted from said contractor, L.M. Roberts Construction Company;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$13,706.35  
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  
April, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensingher, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-324

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (181).

WHEREAS, a verified application for an amendment to Section  
12-3-8 of the Zoning Map was filed by American Development  
Corporation on January 17, 1978, to re-  
classify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2,  
and Planned-Development Zone, P-D, the following described property:

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

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

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

WHEREAS, after public hearing held on February 21, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The project as proposed would provide a needed addition to the senior citizen housing inventory in the City of Modesto.
2. The dwelling unit density for the project, although slightly higher than normally permitted in this peripheral neighborhood location, would not cause traffic problems due to only limited use of automobiles by senior citizens, as well as the major street orientation.
3. The project is compatible with surrounding residential zoning area.
4. The dwelling unit density of 15.1 units per acre substantially conforms to the R-2 zoning criteria of the Revised Chrysler-99 Neighborhood Zoning and Development Policy.

WHEREAS, after a public hearing held on April 3, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of American Development Corporation for a Medium Density Residential Zone, R-2, and for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1721 -C. S. on the 3rd day of April, 1978, reclassifying the above described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and to Planned-Development Zone, P-D (181),



8. That the applicant shall install two on-site fire hydrants and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed and operable prior to the construction of the structures.
9. That all trash shall be maintained in the buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major building or decorative masonry wall as determined by the Director of Planning and Community Development.
10. That all outdoor lighting within the P-D zone shall be shielded from adjacent residential areas in accordance with the requirements of the City Engineer.
11. That all signs shall be limited to the sign regulations of the R-3 zone.

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

(181) :

That the entire construction program be accomplished in one phase with construction to begin on or before May 1, 1979, and to be completed not later than May 1, 1980.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (181) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1973, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William D. Smith  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-325

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (AMERICAN DEVELOPMENT CORPORATION)

WHEREAS, on April 3, 1978, the City Council adopted Ordinance No. 1721 C. S. giving approval to a project relating to an amendment to Section Map 12-3-8 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Planned Development Zone P-D (181), and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 12-3-8 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and Planned Development Zone P-D (181)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-326

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANCISCO AND KATHLEEN S. BAUTISTA FOR THE PURCHASE OF 0.06+ ACRES OF RIGHT OF WAY NEEDED FOR THE PRESCOTT-BRIGGSMORE TO PEACH PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Francisco and Kathleen S. Bautista for the purchase of 0.06+ acres of right of way needed for the Prescott-Briggsmore to Peach project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Decd with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Mensinger , was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-327

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REGARDING AMENDMENTS  
TO CONFLICT OF INTEREST CODES FOR THE PARKS AND RECREATION DEPARTMENT  
AND PUBLIC WORKS DEPARTMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that April 17, 1978, at 4:10 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of amendments to Conflict  
of Interest Codes for the Parks and Recreation Department and  
Public Works Department.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 3rd day of  
April, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensingher, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-328

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 30-3-9 OF THE ZONING MAP (CARPENTER-RENO GROUP)

WHEREAS, the Modesto City Planning Commission held a public hearing on March 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 30-3-9 of the Zoning Map to rezone from M-1 to P-D(182) to allow a mixture of industrial uses, property located between Carpenter Road and Reno Avenue, north of Kansas Avenue  
the following described property:

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

Parcels 3 and 4 as shown upon that certain parcel map filed June 8, 1976, in Volume 23 of Maps, page 16, Stanislaus County Records; being a portion of Lot 27 of Maze Colony.

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

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-30 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 30-3-9 of the Zoning Map be set for April 24, 1978, at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-329

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 20-3-9 OF THE ZONING MAP (LAND BANK FINANCIAL SERVICES)

WHEREAS, the Modesto City Planning Commission held a public hearing on March 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 20-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of West Roseburg Avenue, east of Tully Road,

the following described property:

The East 77.5 feet of the East 264.0 feet of the South half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian;

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-44 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 20-3-9 of the Zoning Map be set for April 24, 1978, at 7:35 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-330

A RESOLUTION ACCEPTING IMPROVEMENTS IN CONTINENTAL PLAZA SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Rule Development, subdivider of Continental Plaza Sub-division, has filed Subdivision Bonds for faithful performance and labor and materials in the amount of \$40,000.00, to guarantee improvements in Continental Plaza Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated March 28, 1978, 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 Bond upon expiration of the statutory period.

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

1. The improvements in Continental Plaza Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance and labor and materials in the amount of \$40,000.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Mensinger , was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-331

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARK H. AND VICTORIA E. McFADDEN FOR THE LEASE OF PROPERTY BEING HELD FOR FUTURE DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mark H. McFadden and Victoria E. McFadden for property being held for future 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 3rd day of April, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-332

RESOLUTION APPROVING SUBMITTAL OF APPLICATION  
BY CITY OF MODESTO TO STANISLAUS AREA  
ASSOCIATION OF GOVERNMENTS (SAAG) CLAIMING  
\$4,000 FROM THE NON-MOTORIZED APPORTIONMENT  
OF THE LOCAL TRANSPORTATION FUND.

BE IT RESOLVED by the Council of the City of Modesto that a supplemental application be submitted to Stanislaus Area Association of Governments (SAAG) claiming \$4,000 from the non-motorized apportionment of the Local Transportation Fund to be used for painting bicycle lanes striping at various locations in the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Dunlap, Elliott, Kullijian, Leng, Mensinger, Sicfkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-333

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT FORD, M.A.I. FOR THE VALUATION OF PROPERTIES LOCATED WITHIN THE BLOCKS INVOLVED IN THE PROPOSED COMMUNITY CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert Ford, M.A.I. for the valuation of properties located within the blocks involved in the proposed Community 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 3rd day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-334

A RESOLUTION REJECTING APPLICATION FOR LEAVE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANTS, JUNE ROGERS AND PATRICIA MARIE BODENHAMER, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of claimants, June Rogers and Patricia Marie Bodenhamer, against the City of Modesto was received on April 4, 1978, 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 claimants, June Rogers and Patricia Marie Bodenhamer, against the City of Modesto, received on April 4, 1978, in the office of Norrine Coyle, 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 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-335

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REGARDING BRIGHT DEVELOPMENT'S APPEAL OF A PLANNING COMMISSION DECISION REGARDING REZONING PROPERTY BETWEEN STANDIFORD AND VENEMAN TO P-D FOR A 400-UNIT APARTMENT COMPLEX

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 8, 1978, 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 Bright Development's appeal of a Planning Commission decision regarding rezoning property between Standiford and Veneman to P-D for a 400-unit apartment complex.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-336

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR REMODELING LIFT STATION IN THOUSAND OAKS PARK

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

SECTION 1. The plans and specifications for the remodeling of Lift Station in Thousand Oaks Park

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

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 9, 1978 at 11:00 a.m and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-337

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$39,000 FOR  
REMODELING LIFT STATION IN THOUSAND OAKS PARK

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

FROM:	RESERVE (Account 60-800-212)	\$39,000
TO:	PW SEWER SERVICE (Account 6609-212)	\$39,000

The 1,000 Oaks Sewage lift station was budgeted in the 75-76 CIP for renovation. The original estimate was \$66,000. The new estimate is \$105,000; therefore, an additional amount of \$39,000 is needed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Murrine Coyle  
MURRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-338**

**A RESOLUTION ACCEPTING THE BID OF AMERICAN RUBBER COMPANY FOR  
FURNISHING A DOUBLE-JACKET FIRE HOSE**

**WHEREAS, Resolution No. 78-181 , adopted by the Council of the  
City of Modesto on February 13, 1978 , approved the plans and speci-  
fications for the furnishing of a double-jacket fire hose**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of a double-  
jacket fire hose  
were opened at 2:00 p.m. on February 23, 1978, 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 Rubber Company in the amount of \$10,240.13,  
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 Rubber Company in the amount of \$10,240.13  
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 April,**

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-339

A RESOLUTION ACCEPTING THE BID OF TRI COUNTY BUILDERS FOR CONSTRUCTION  
OF A T-HANGAR "H" AT THE CITY-COUNTY AIRPORT

WHEREAS, Resolution No. 78-244 , adopted by the Council of the  
City of Modesto on March 6, 1978 , approved the plans and speci-  
fications for the construction of a T-Hangar "H" at the City-County  
Airport

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of a T-Hangar "H"  
at the City-County Airport  
were opened at 11:15 a.m. on March 21, 1978 and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and

WHEREAS, the Director of Public Works has recommended that  
the bid of Tri County Builders in the amount of \$125,638  
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 County Builders, Inc. in the amount of \$125,638  
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 April,

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-340

A RESOLUTION REJECTING BID SUBMITTED FOR THE CONSTRUCTION OF WOODROW PARK MASONRY WALL, AND OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 28, 1978, AT 11:00 A.M.

WHEREAS, Resolution No. 78-226, adopted by the Council of the City of Modesto on February 27, 1978, approved the plans and specifications for the construction of Woodrow Park masonry wall and authorized the call for bids; and

WHEREAS, the single bid received for the construction of Woodrow Park masonry wall was opened at 11:00 a.m. on March 28, 1978, and later reviewed by the Director of Public Works and the Director of Parks and Recreation for the consideration of the Council; and

WHEREAS, the low bid of \$32,500, submitted by Bill Mineni, General Contractor, is above the staff estimate of \$17,017; and

WHEREAS, it is the recommendation of the Public Works Department and the Parks and Recreation Department that the bid be rejected and that the staff be authorized to make modifications to the design and the project be readvertised for bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the single bid received for the construction of Woodrow Park masonry wall, and opened in the office of the City Clerk on March 28, 1978 at 11:00 a.m., is hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-341

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE CONSTRUCTION OF FIRE STATION NO. 6, AND OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 21, 1978, AT 11:00 A.M.

WHEREAS, Resolution No. 78-187, adopted by the Council of the City of Modesto on February 13, 1978, approved the plans and specifications for construction of Fire Station No. 6 and authorized the call for bids; and

WHEREAS, the bids received for the construction of Fire Station No. 6 were opened at 11:00 A.M. on March 21, 1978, and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the low bid of \$364,700, submitted by C. S. Plumb Co. is in excess of the funds budgeted; and

WHEREAS, the Director of Public Works recommends that all bids be rejected and that modifications be made to the plans and specifications and readvertised for bids.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the construction of Fire Station No. 6 and opened in the office of the City Clerk on March 21, 1978 at 11:00 A.M. are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly

seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-342**

**A RESOLUTION ACCEPTING THE BID OF ELRICH CONSTRUCTION FOR REPAIRS AND IMPROVEMENTS AT THE 12TH AND I STREET PARKING LOT**

**WHEREAS, Resolution No. 78-261 , adopted by the Council of the City of Modesto on March 13, 1978 , approved the plans and specifications for the repairs and improvements at the 12th and I Street parking lot**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the repairs and improvements at the 12th and I Street parking lot were opened at 2:00 p.m. on April 4, 1978, and later tabulated by the Director of Parking and Traffic for the consideration of the Council, and**

**WHEREAS, the Director of Parking & Traffic has recommended that the bid of Elrich Construction in the amount of \$12,388**

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

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Elrich Construction in the amount of \$12,888**

**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 April,**

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-343**

**A RESOLUTION ACCEPTING THE BID OF JOE MARTIN FOR CONSTRUCTION OF  
WATERLINE EXTENSIONS IN 17TH STREET AND SISK ROAD**

**WHEREAS, Resolution No. 78-280 , adopted by the Council of the  
City of Modesto on March 20, 1978 , approved the plans and speci-  
fications for the construction of waterline extensions in 17th Street  
and Sisk Road**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterline  
extensions in 17th Street and Sisk Road  
were opened at 11:00 a.m., on April 4, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Joe Martin in the amount of \$9,790**

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

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Joe Martin in the amount of \$9,790**

**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 April,**

19<sup>78</sup>, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-344

A RESOLUTION ACCEPTING THE BID OF OFFICE INDUSTRIAL FURNISHERS  
FOR FURNITURE IN GROUPS O & S ON SPECS D-78

WHEREAS, Resolution No. 78-260 , adopted by the Council of the  
City of Modesto on March 13, 1978 , approved the plans and speci-  
fications for the furnishing of office furniture in Groups O & S  
on Specs D-78

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of office furniture  
in Groups O & S on Specs D-78

were opened at 2:00 p.m. on March 23, 1978, 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 Office Industrial Furnishers in the amount of \$1,517.14

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Office Industrial Furnishers in the amount of \$1,517.14  
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 April,

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-345

**A RESOLUTION ACCEPTING THE BID OF L.M. MORRIS FOR FURNISHING OFFICE FURNITURE IN GROUPS A, B, C, D, E, F, G, H, I, J, K, L, M, N, P, Q, & R ON SPECS D-78**

WHEREAS, Resolution No. 78-260, adopted by the Council of the City of Modesto on March 13, 1978, approved the plans and specifications for the office furniture in Groups A, B, C, D, E, F, G, H, I, J, K, L, M, N, P, Q & R on Specs D-78 and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of office furniture in Groups A, B, C, D, E, F, G, H, I, J, K, L, M, N, P, Q & R were opened at 2:00 p.m. on March 28, 1978, 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 L.M. Morris in the amount of \$20,232.22

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of L.M. Morris in the amount of \$20,232.22

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 April,

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-346

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SITE IMPROVEMENTS OF  
PUMP STATION B-9

WHEREAS, a report has been filed by the Director of Public Works that the construction of site improvements of Pump Station B-9 has been completed by Chas. I. Cunningham Company in accordance with the contract agreement dated December 12, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of site improvements of Pump Station B-9 be accepted from said contractor, Chas I Cunningham Company that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$23,000.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Devies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-347

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF CURB AND SIDEWALK  
ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN  
ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF  
1911. ASSESSING THE COST OF CONSTRUCTION AGAINST  
THE PARCEL OF REAL PROPERTY FRONTING UPON THE  
IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION  
OF SAID LIEN. 1224 Floyd Ave., a portion of Block 12930  
(Dale E. Bradley - \$870.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WAIVED BY PROPERTY OWNER  
WHEREAS, the Council did, on \_\_\_\_\_, 19\_\_\_\_,  
adopt its Resolution No. \_\_\_\_\_, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of \_\_\_\_\_  
Curb and Sidewalk on property abutting  
the property hereafter described, and

WHEREAS, April 10, \_\_\_\_\_, 19 78, at 7:35 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$870.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$870.00, be assessed in ten annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

The South 160 feet of the North 9 feet of the West 75 feet of the East 306 feet of Lot 21 Coffee Colony as per map filed January 13, 1906 in Volume 2 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-03 120-1533-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 10th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-348

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF CURB AND SIDEWALK  
ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN  
ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF  
1911. ASSESSING THE COST OF CONSTRUCTION AGAINST  
THE PARCEL OF REAL PROPERTY FRONTING UPON THE  
IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION  
OF SAID LIEN . 336 and 334 W. Granger Avenue, a portion  
of Block 6129 (Erma Cauthon - \$715.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WAIVED BY PROPERTY OWNER  
WHEREAS, the Council did, on \_\_\_\_\_, 19\_\_\_\_,  
adopt its Resolution No. \_\_\_\_\_, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of \_\_\_\_\_  
Curb and Sidewalk on property abutting  
the property hereafter described, and

WHEREAS, \_\_\_\_\_ April 10, \_\_\_\_\_, 19 78, at \_\_\_\_\_ 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California. was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS. at the time of said hearing. said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$715.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$715.00, be assessed in Ten annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

The South 200' of the North 230' of the West 65.94' of the East 131.78' of lot 3 Mensinger Colony as per map filed May 13, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records.  
(Stanislaus County Assessor's Parcel No. 002-01 119-0902-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 Mcdesto held on the 10th day of April, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-349

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF CURB AND SIDEWALK  
ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN  
ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF  
1911. ASSESSING THE COST OF CONSTRUCTION AGAINST  
THE PARCEL OF REAL PROPERTY FRONTING UPON THE  
IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION  
OF SAID LIEN . 133 Corson Avenue, lot 15 of Block 652  
(Terry F. Gulmon - \$338.00)

WHHREAS, 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

WAIVED BY PROPERTY OWNER  
WHEREAS, the Council did, on \_\_\_\_\_, 19\_\_\_\_,  
adopt its Resolution No. \_\_\_\_\_, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the ccnstruction of \_\_\_\_\_  
Curb and Sidewalk on property abutting  
the property hereafter described, and

WHEREAS, April 10, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$638.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$638.00, be assessed in Ten annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 15 of Block 652 of Corson Tract as per map filed October 16, 1941 in Volume 14 of Maps, Page 19, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 112-0413-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 Mcdesto held on the 10th day of April, 1973, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$959.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$959.00, be assessed in Ten annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

The south 101.11' of Lot 14 of Block 343 as per map filed December 21, 1942 in Volume 15 of Maps, Page 343, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 102-0201-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 Mcdesto held on the 10th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-351

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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. 1904 La Cienega Drive, a portion of  
Block 6905 (John C. Lewis - \$758.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on WAIVED BY PROPERTY OWNER  
-----, 19----,  
adopt its Resolution No. -----, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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 10, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$758.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$758.00, be assessed in Ten annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 9 and the West 5' of Lot 10 of Block 6905 of McHenry Village #1 as per map filed August 25, 1954 in Volume 5 of Maps, Page 13, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-09 120-3028-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 Mcdesto held on the 10th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-352

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF CURB AND SIDEWALK  
ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN  
ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF  
1911, ASSESSING THE COST OF CONSTRUCTION AGAINST  
THE PARCEL OF REAL PROPERTY FRONTING UPON THE  
IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION  
OF SAID LIEN. 1236 Floyd Avenue, a portion of Block  
12930 (Rowena D. Philips - \$810.00)

WHHREAS, 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 WAIVED BY PROPERTY OWNER  
-----, 19----,  
adopt its Resolution No. -----, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of -----  
Curb and Sidewalk on property abutting  
the property hereafter described, and

WHEREAS, April 10, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$810.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$810.00, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

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

The South 160 feet of the North 9 feet of the West 75 feet of the East 231 feet of Lot 21 Coffee Colony as per map filed January 13, 1906 in Volume 2 of Maps, Page 22, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-08 120-1531-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 Mcdesto held on the 10th day of April, 19 73, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-353

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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. 1628 Teresa Street, Lot 24 of Block 6082.  
(Hazel J. Robertson - \$158.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on WAIVED BY PROPERTY OWNER  
-----, 19-----,  
adopt its Resolution No. -----, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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 10, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$158.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$158.00, be assessed in Three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 24 of Block 6032 of Wilen Tract as per map filed April 27, 1934 in Volume 14 of Maps, Page 32, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 117-1308-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 Mcdesto held on the 10th day of April, 19 73, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk



WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$2,562.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$2,562.00, be assessed in Ten annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Commencing at the Southeast 1/4 Section 16, Township 3 South, Range 9 East, Mount Diablo Base Meridian. Proceed East 1201.34 feet; thence North 30 feet; to true point of beginning; thence North 97 feet; thence West 140.20 feet; thence North 7° 47' West 80.42 feet; thence along a tangent curve concave to the Northeast 25.72 feet having a radius of 15 feet; thence East 137.57 feet to point of beginning.

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 Mcdesto held on the 10th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-355

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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. 2133 Roble Avenue, lot 10 of Block 2258  
(Robert Seward - \$610.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on WAIVED BY PROPERTY OWNER  
-----, 19----,  
adopt its Resolution No. -----, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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 10, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$610.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$610.00, be assessed in Ten annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 10 of Block 2258 of Alta Vista Tract #2 as per map filed May 15, 1947 in Volume 16 of Maps, Page 43, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 116-8909-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 Mcdesto held on the 10th day of April, 19 76, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-356

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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. 1625 Teresa Street, Lot 10 of Block 6081  
(Virgil L. Trammell - \$188.00)

WHHREAS, 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 July 18, 1977,  
adopt its Resolution No. 77-740, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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 10, 1978, at 7:35 o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

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

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$180.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$180.00, be assessed in Three annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

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

Lot 10 of Block 6031 of Wilen Tract as per map filed April 27, 1945 in Volume 14 of Maps, Page 32, Stanislaus County Records.

(Stanislaus County Assessor's Parcel No. 002-01 117-1220-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 10th day of April, 1970, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-357

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER ADOPTION  
OF A BINGO ORDINANCE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that April 17, 1978, at 4:15 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of adoption of a  
Bingo Ordinance.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 10th day of  
April, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensingher, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: Dunlap

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-358

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND EDWARD G. AND VIRGINIA LEE WYLIE AND ACCEPTING GRANT DEED (Oakdale/Scenic to Briggsmore Project)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Edward G. and Virginia Lee Wylie for the Oakdale/Scenic to Briggsmore Project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-359

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT G. AND PATRICIA S. PRATHER FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2336 MORNINGSIDE DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert G. and Patricia S. Prather for sewer service to property outside City limits at 2336 Morningside Drive, located on the south side of Morningside Drive between Patty Way and Randy Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-360

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
W.R. AND SUSIE HENSLEY FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY  
LIMITS AT 1432 LORRY AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and W.R. and Susie M.  
Hensley

for sewer service to property outside City limits at 1432 Lorry Avenue,  
located on the east side of Lorry Avenue, south of E. Coolidge Ave.  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
April, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-361

A RESOLUTION GRANTING PERMISSION FOR EL CONCILIO TO HOLD ANNUAL CINCO DE MAYO FESTIVITIES ON SATURDAY, MAY 6, 1978, AND APPROVING REQUEST FOR VARIOUS FORMS OF ASSISTANCE FROM CITY OF MODESTO

WHEREAS, the El Concilio has requested permission to hold its annual Cinco de Mayo festivities on Saturday, May 6, 1978; and

WHEREAS, in a memorandum from the Director of Parks and Recreation to the City Manager, dated April 5, 1978, which is attached hereto and marked "Exhibit A", the El Concilio has requested various forms of assistance from the City of Modesto for these festivities; and

WHEREAS, the staff recommends the requests listed on the memorandum from the Director of Parks and Recreation to the City Manager, dated April 5, 1978 (attached hereto and marked "Exhibit A") be approved.

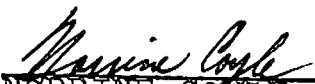
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of El Concilio for permission to hold the annual Cinco de Mayo festivities on Saturday, May 6, 1978, and for various forms of City assistance, as listed on a memorandum from the Director of Parks and Recreation to the City Manager, dated April 5, 1978 (attached hereto and marked "Exhibit A") 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 April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:   
NORRINE COYLE, City Clerk

CITY OF MODESTO  
M E M O R A N D U M

AGENDA ITEM 4-10-78

April 5, 1978

TO: City Manager  
FROM: Director of Parks and Recreation  
SUBJECT: Request from El Concilio

We have received a request from the El Concilio to hold its annual Cinco de Mayo festivities on Saturday, May 6, 1978. The El Concilio is requesting the following from the City of Modesto:

1. Reservation of Beard Brook Park and ballfield from 6:00 a.m. to 10:00 p.m.
2. The City to erect a reviewing stand in front of the Court House.
3. Permission to hold a parade from approximately 10:00 a.m. to 12:00 noon.
4. Use of additional trash containers at the park site.
5. City to provide a street sweeper to follow behind horses that will be in the parade, and the El Concilio to directly pay the driver for his services.
6. Permission to place bazaar booths on the park for the purpose of selling food, beverages and conducting games.
7. Permission to block the entry way to Beard Brook Park to keep out vehicles. This is to avoid problems with traffic on the park and the expected 2,500 to 3,000 people expected to participate in the celebration.

This request is about the same as past years. Therefore, it is the staff recommendation that this request be approved.



Mary E. Grogan

MEG:JLF:em

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-362

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SYLVAN SCHOOL DISTRICT FOR THE USE OF THE SOMERSET JUNIOR HIGH SCHOOL MULTIPURPOSE FACILITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Sylvan School District for the use of the Somerset Junior High School Multipurpose Facility be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-263

A RESOLUTION ACCEPTING IMPROVEMENTS IN GRAND PRIX ESTATES SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS AND APPROVING LETTER OF AGREEMENT AND ACCEPTING \$6,500 INSTRUMENT OF CREDIT FOR STREET REPAIR GUARANTEE

WHEREAS, Grand Prix Group, a partnership, subdividers of Grand Prix Estates Subdivision, have filed Subdivision Bonds for faithful performance and labor and materials in the amount of \$324,900 and \$162,450, respectively, to guarantee improvements in Grand Prix Estates Subdivision; and

WHEREAS, the Director of Public Works, in a memorandum dated April 3, 1978, 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 subdivision as complete and authorize the City Clerk to file a Notice of Completion and release the bonds upon expiration of the statutory periods, subject to the developers posting a \$6,500 Instrument of Credit with the City Clerk to guarantee repair of Ghia Court, Ferrari Drive, Maserati Drive and Lamborghini Lane in Grand Prix Estates Subdivision, if failure occurs to these streets prior to October 1, 1978; and

WHEREAS, the developers have posted the required Instrument of Credit for \$6,500, on file in the office of the City Clerk.

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

1. The improvements in Grand Prix Estates are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of \$324,900.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of \$162,450 upon expiration of the statutory period (six months).
4. The letter agreement between the City of Modesto and Grand Prix Group for street repair which may occur prior to October 1, 1978, is hereby approved and the execution of said agreement by the City Manager is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-364

A RESOLUTION APPROVING THE FINAL MAP OF THE  
LINCOLN SQUARE NO. 7  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Bomberger Brothers, Inc., a California corporation

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is (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 21.138 acres, known as the  
Lincoln Square No. 7 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 1st day of  
February, 1977, 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 Lincoln Square No. 7  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-365

A RESOLUTION APPROVING THE FINAL MAP OF THE  
LAUREL MEADOWS  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Rule Development, a partnership

is (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 4.700 acres, known as the  
Laurel Meadows Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 21st day of  
December, 19 76, 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 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,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-366

INFORMAL PUBLIC  
A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON PUBLIC PROJECT  
COMMITTEE RECOMMENDATIONS REGARDING ALTERNATIVE FUTURES

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that May 16 , 1978 , at 7:30 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of Public Project  
Committee recommendations regarding Alternative Futures.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 10th day of  
April, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-367

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 2-3-8 OF THE ZONING MAP (Venequity Corporation)

WHEREAS, the Modesto City Planning Commission held a public hearing on March 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Pelandale Avenue, west of Dale Road.

the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-45 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 2-3-8 of the Zoning Map be set for May 8, 1978, at 7:35 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

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

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

**Containing 2.41 acres.**

**SCHEDULE "A"**

Section 2  
Vanquity  
Corporation

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-368

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE MODESTO BEE TO PRINT AND PUBLISH THE OFFICIAL ADVERTISING FOR THE CITY FOR A ONE YEAR PERIOD ENDING JUNE 30, 1979

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The Modesto Bee for official advertising for the City for a one year period ending June 30, 1979 be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 APRIL, 19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-369

A RESOLUTION APPOINTING MEMBER OF THE NEIGHBORHOOD ADVISORY COMMITTEE #2 (Virginia Bailey)

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 Neighborhood Advisory Committee #2 for the respective term as indicated: Virginia Bailey  
531 Melrose Street  
Modesto, California  
Term expires 10-23-81

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 #2 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 April, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-370

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS FOR TRAFFIC LINE PAINT FROM JULY 1, 1978, TO JUNE 30, 1979.

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

SECTION 1. The plans and specifications for furnishing annual requirements for traffic line paint from July 1, 1978, to June 30, 1979, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 2, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-371

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT AT REVARO PARK

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

SECTION 1. The plans and specifications for the installation of playground equipment at Revaro Park copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 9, 1978, at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-372

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR FURNISHING ONE FIRE RESCUE TRUCK, AND OPENED IN THE OFFICE OF THE CITY CLERK ON APRIL 4, 1978 AT 2:00 P.M., AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 78-212, adopted by the Council of the City of Modesto on February 21, 1978, approved the specifications for furnishing one fire rescue truck, and authorized the call for bids; and

WHEREAS, the bids received for the furnishing of one fire rescue truck were opened at 2:00 p.m. on April 4, 1978, and later tabulated by the Director of Finance for the consideration of the Council; and

WHEREAS, it is the recommendation of staff that all bids received for the fire rescue truck be rejected on the basis that from the abundant amount of bidders available, only one firm qualified for evaluation and did not fully meet specifications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for furnishing one fire rescue truck, and opened in the office of the City Clerk on April 4, 1978 at 2:00 p.m. are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that a new call for bids for furnishing one fire rescue truck to be opened May 9, 1978 at 2:00 p.m. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-373

A RESOLUTION ACCEPTING THE CONSTRUCTION OF EXPANSION OF AIRPORT  
TERMINAL PARKING FACILITIES

WHEREAS, a report has been filed by the Director of Public Works that the construction of expansion of airport terminal parking facilities has been completed by J.L. Pryor Construction Company

in accordance with the contract agreement dated January 10, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of expansion of airport terminal parking facilities be accepted from said contractor, J.L. Pryor Construction Company:

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$11,911.05 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-374

A RESOLUTION ACCEPTING THE CONSTRUCTION OF PUMP STATION NO. 16  
RELOCATION

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of Pump Station No. 16  
relocation

has been completed by William Mineni

in accordance with the contract agreement dated June 6, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
Pump Station No. 16 relocation

be accepted from said contractor, William Mineni;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$63,000  
as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
April, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-375

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN  
TIERRA PLAZA

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of waterlines in Tierra  
Plaza  
has been completed by Joe Martin

in accordance with the contract agreement dated November 10, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
waterlines in Tierra Plaza  
be accepted from said contractor, Joe Martin;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$17,942.47  
as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
April, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-376

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN BLOOMFIELD  
NO. 2

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of waterlines in Bloomfield  
No. 2

has been completed by Western Pipeline

in accordance with the contract agreement dated November 10, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
waterlines in Bloomfield No. 2

be accepted from said contractor, Western Pipeline

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$40,338.72  
as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
April, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

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

ATTEST: Norrine Boyle  
NORRINE BOYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-377

A RESOLUTION ACCEPTING THE CONSTRUCTION OF REROOFING OF MADDUX  
YOUTH CENTER

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of reroofing of Maddux  
Youth Center

has been completed by Alcal Roofing and Insulation

in accordance with the contract agreement dated November 14, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
reroofing of Maddux Youth Center

be accepted from said contractor, Alcal Roofing and Insulation;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$5,966.00  
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 17th day of  
April, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-378

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (ROSEMORE-WOODLAND NO. 2 ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on March 6, 1978, duly adopted Resolution No. 78-254 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 172 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, April 17, 1978, at the hour of 4:00 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

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

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 172 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 172 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 172, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 172, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap,

who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Paul Campbell*  
Public Works Department

## ROSEMORE-WOODLAND NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the Existing City Limits as established by the Southeastern corner of BLUE GUM ADDITION (333), as per description filed June 12, 1975, as Instrument 48200, Stanislaus County Records;

1. thence South  $1^{\circ} 04' 35''$  East 662.66 feet along a Western line of ROSEMORE-WOODLAND ADDITION (347), as per map filed October 14, 1976, as Instrument 19721, Stanislaus County Records;
2. thence North  $88^{\circ} 34' 38''$  East, 663.62 feet, to the center line of 40.00 foot Rosemore Avenue;
3. thence along said center line of Rosemore Avenue, said center line being the North-South quarter section line, South  $1^{\circ} 06' 10''$  East, 662.92 feet, to the center line of Woodland Avenue;
4. thence leaving the existing City Limits along said center line of Woodland Avenue, South  $88^{\circ} 36' 00''$  West, 1327.85 feet;
5. thence North  $1^{\circ} 03' 00''$  West, 1324.80 feet;
6. thence North  $88^{\circ} 33' 14''$  East, 663.31 feet, to the point of beginning, containing 30.286 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on April 17, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Dunlap, seconded by Councilman Kullijian, and adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: April 17, 1978

Norrine Coyle  
City Clerk of the City of Modesto,  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-379

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN AVIGATION  
EASEMENTS IN REAL PROPERTY BY EMINENT DOMAIN FOR MUNI-  
CIPAL PURPOSES MODESTO FRUIT EXCHANGE  
AVIGATION EASEMENT  
(Name of Project and Property Owners Name)

WHEREAS, on March 20, 1978, the Council of the City of Modesto by Resolution No. 78-292 set a hearing to consider a resolution of necessity to acquire certain avigation easements in that certain parcel of real property, described as follows:

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 34, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the quarter section corner common to Sections 27 and 34, Township 3 South, Range 9 East; thence along the West line of the Northeast quarter of said Section 34, South 00°07'12" West, 153.0 feet; thence along a line parallel to the North line of said Section 34, South 89°28'48" East, 850.0 feet; thence along the Western line of an 80.00 foot road known as Daly Avenue, South 00°07'12" West, 1235.14 feet, to the Southeastern corner of the property conveyed to Eugene Boone, et al., by Deed recorded July 3, 1958, as Instrument 16281, Stanislaus County Records; thence continuing along the Western line of Daly Avenue, South 00°07'12" West, 163.48 feet; thence North 89°52'48" West, 1.00 foot, to a point on the Western line of the easement for public road and highway purposes conveyed to the County of Stanislaus by Road Deed recorded January 7, 1976, as Instrument 30220, Stanislaus County Records, and the true point of beginning of this description; thence continuing North 89°52'48" West, 269 feet; thence South 00°07'12" West, 120 feet, to the Northeastern line of a 60 foot road known as Tenaya Drive; thence along said Northeastern line of Tenaya Drive, South 55°31'07" East, 302.40 feet; thence North 51°09'02" East, 25.26 feet, to a point on said Western line of the County of Stanislaus road easement; thence along said last mentioned Western line, North 00°07'12" East, 274.74 feet, to the point of beginning.

and

WHEREAS, on April 17, 1978, 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 easements by eminent domain proceedings for purposes of providing a clear zone for aircraft approach, takeoff, and avigation to and from Modesto City-County Airport/Harry Sham Field,

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 easement in said real property for the purposes stated.

2. The taking of easements in real property for municipal purposes by eminent domain proceedings is authorized pursuant to Sections 37350.5 and 37351 of the Government Code of the State of California.

3. The taking of said easement in real property for said project is also authorized pursuant to Section 50470 of the Government Code of the State of California, Section 21652 of the Public Utilities Code of the State of California, and Section 1240.110 of the Code of Civil Procedure of the State of California.

4. 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.

5. The easement which is hereinafter described consists of a portion of the air rights over portions of the hereinabove described parcel located at the end of runway 10-L near the junctions of Tenaya and Daly Avenues at the northwest corner of the airport and 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, as are necessary to acquire, for the purposes and uses aforesaid, an easement in the above described real property which is situated in the County of Stanislaus, and adjacent to the City of Modesto, State of California, more

particularly described as follows:

An easement for avigation purposes preventing the erection or growth of any structure, tree, or other object within or upon the land described herein to a height above the clear zone approach surface for the Modesto City-County Airport, said surface being an inclined plane having a slope of 34:1 (one foot of elevation for each 34 feet of horizontal distance) located directly above a portion of the hereinabove described parcel and more clearly shown on Exhibit "A" attached hereto and made a part hereof by reference, being approximately 37 feet in height at the South East Corner, 46 feet in height at the South West Corner, 48 feet in height at the North West corner, 42.5 feet in height at the North North-East corner, and 41 feet in height at the North South-East corner of the herein described parcel.

The portion of the hereinabove described parcel subject to the avigation easement being more particularly described as:

Commencing at the Northeastern corner of the above described property; thence along the Northern line of the above described property, North 89°52'48" West, 23.51 feet, to the true point of beginning of the avigation easement description; thence continuing North 89°52'48" West, 245.49 feet, to the Northwestern corner thereof; thence South 00°07'12" West, 120 feet, to said Northeastern line of Tenaya Drive; thence along said Northeastern line, South 55°31'07" East, 302.40 feet; thence North 51°09'02" East, 25.26 feet, to a point on said Western line of the County of Stanislaus road easement; thence along said last mentioned Western line, North 00°07'12" East, 252.96 feet; thence North 47°04'20" West, 32.05 feet, to the point of beginning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

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

APPROVED AS TO DESCRIPTION: [Signature]

Reso 78-379  
Map

Oversized map folded and bound within Resolution Book, Volume 99.  
Unable to remove safely for scanning.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-380

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN AVIGATION  
EASEMENTS IN REAL PROPERTY BY EMINENT DOMAIN FOR MUNI-  
CIPAL PURPOSES EUGENE BOONE AND RACHAEL BOONE  
AVIGATION EASEMENT

(Name of Project and Property Owners Name)

WHEREAS, on March 20, 1978, the Council of the City of Modesto by Resolution No. 78-292 set a hearing to consider a resolution of necessity to acquire certain avigation easements in that certain parcel of real property, described as follows:

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 34, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the quarter section corner common to Sections 27 and 34, Township 3 South, Range 9 East; thence along the West line of the Northeast quarter of said Section 34, South 00°07'12" West, 153.0 feet; thence along a line parallel to the North line of said Section 34, South 89°28'48" East, 850.0 feet; thence along the Western line of a 80.00 foot road known as Daly Avenue, South 00°07'12" West, 1,135.0 feet, to the Southeastern corner of the property conveyed to Eugene Boone, et al., by Deed recorded June 14, 1955, as Instrument 17234, Stanislaus County Records; thence along the Southern line of said Boone property, North 89°52'48" West, 1.00 feet, to the Western line of the easement for public road and highway purposes as conveyed to the County of Stanislaus by Road Deed recorded January 7, 1976, as Instrument 30217, Stanislaus County Records, and the true point of beginning of this description; thence along said last mentioned Western line, South 00°07'12" West, 100.0 Feet; thence North 89°52'48" West, 269.0 feet; thence North 00°07'12" East, 100.0 feet, to the Southwestern corner of the aforementioned Boone property; thence along the Southern line of said Boone property, South 89°52'48" East, 269.0 feet, to the point of beginning.

and

WHEREAS, on April 17, 1978, 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 easements by eminent domain proceedings for purposes of providing a clear zone for aircraft approach, takeoff, and avigation to and from Modesto City-County Airport/Harry Sham Field,

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 easement in said real property for the purpose stated.
2. The taking of easements in real property for municipal purposes by eminent domain proceedings is authorized pursuant to Sections 37350.5 and 37351 of the Government Code of the State of California.
3. The taking of said easement in real property for said project is also authorized pursuant to Section 50470 of the Government Code of the State of California, Section 21652 of the Public Utilities Code of the State of California, and Section 1240.110 of the Code of Civil Procedure of the State of California.
4. 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.
5. The easement which is hereinafter described consists of a portion of the air rights over portions of the hereinabove described parcel located at the end of runway 10-L near the junctions of Tenaya and Daly Avenues at the northwest corner of the airport and 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, as are necessary to acquire, for the purposes and uses aforesaid, an easement in the above described real property which is situated in the County of Stanislaus, and adjacent to the City of Modesto, State of California, more particularly

described as follows:

An easement for avigation purposes preventing the erection or growth of any structure, tree, or other object within or upon the land described herein to a height above the clear zone approach surface for the Modesto City-County Airport, said surface being an inclined plane having a slope of 34:1 (one foot of elevation for each 34 feet of horizontal distance) located directly above a portion of the hereinabove described parcel and more clearly shown on Exhibit "A" attached hereto and made a part hereof by reference, being approximately 49.5 feet in height at the South East Corner, 50 feet in height at the North West corner, and 50 feet in height at the North East corner of the herein described parcel.

The portion of the hereinabove described parcel subject to the avigation easement being more particularly described as:

Commencing at the Southeastern corner of the above described property; thence North 89°52'48" West, 200.01 feet, to the true point of beginning of the avigation easement description; thence continuing North 89°52'48" West, 24.50 feet; thence North 34°23'49" East, 16.84 feet; thence South 47°04'20" East, 20.47 feet, to the point of beginning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Karl Campbell*  
Public Works Department  
*J. Christensen 4-10-78*

Reso 78-380  
Map

Oversized map folded and bound within Resolution Book, Volume 99.  
Unable to remove safely for scanning.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-381

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN AVIGATION  
EASEMENTS IN REAL PROPERTY BY EMINENT DOMAIN FOR MUNI-  
CIPAL PURPOSES LELAND MILTON, INC. AND EUGENE AND  
RACHAEL BOONE AVIGATION EASEMENT  
(Name of Project and Property Owners Name)

WHEREAS, on March 20, 1978 the Council of the City of Modesto by  
Resolution No. 78-292 set a hearing to consider a resolution of necessity to acquire  
certain avigation easements in that certain parcel of real property, described as  
follows:

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

Commencing at the quarter section corner common to Sections 27 and  
34, Township 3 South, Range 9 East; thence along the West line of  
the Northeast quarter of said Section 34, South 00°07'12" West,  
153.0 feet; thence along a line parallel to the North line of said  
Section 34, South 89°28'48" East, 850.0 feet; thence along the  
Western line of a 80.00 foot road known as Daly Avenue, South  
00°07'12" West, 1235.14 feet, to the Southeastern corner of the  
property conveyed to Eugene Boone, et al., by Deed recorded  
July 3, 1958, as Instrument 16281, Stanislaus County Records;  
thence along the Southern line of said Boone property, North  
89°52'48" West, 1.00 feet, to a point on the Western line of the  
easement for public road and highway purposes conveyed to the  
County of Stanislaus by Road Deed recorded January 7, 1976, as  
Instrument 30216, Stanislaus County Records, and the true point of  
beginning of this description; thence along said Southern line of  
said Boone property, North 89°52'48" West, 269 feet, to the  
Southwestern corner thereof; thence South 00°07'12" West, 132.48 feet;  
thence South 89°52'48" East, 269 feet, to said Western line of the  
County of Stanislaus road easement; thence along said last mentioned  
Western line, North 00°07'12" East, 132.48 feet, to the point of  
beginning.

and

WHEREAS, on April 17, 1978, 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 easements by eminent domain proceedings for purposes of providing a clear zone for aircraft approach, takeoff, and avigation to and from Modesto City-County Airport/Harry Sham Field,

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 easement in said real property for the purpose stated.

2. The taking of easements in real property for municipal purposes by eminent domain proceedings is authorized pursuant to Sections 37350.5 and 37351 of the Government Code of the State of California.

3. The taking of said easement in real property for said project is also authorized pursuant to Section 50470 of the Government Code of the State of California, Section 21652 of the Public Utilities Code of the State of California, and Section 1240.110 of the Code of Civil Procedure of the State of California.

4. 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.

5. The easement which is hereinafter described consists of a portion of the air rights over portions of the hereinabove described parcel located at the end of runway 10-L near the junctions of Tenaya and Daly Avenues at the northwest corner of the airport and 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, as are necessary to acquire, for the purposes and uses aforesaid, an easement in the above described real property which is situated in the County of Stanislaus, and adjacent to the City of Modesto, State of California, more particularly

described as follows:

An easement for avigation purposes preventing the erection or growth of any structure, tree, or other object within or upon the land described herein to a height above the clear zone approach surface for the Modesto City-County Airport, said surface being an inclined plane having a slope of 34:1 (one foot of elevation for each 34 feet of horizontal distance) located directly above a portion of the hereinabove described parcel and more clearly shown on Exhibit "A" attached hereto and made a part hereof by reference, being approximately 44 feet in height at the South East Corner, 49 feet in height at the South West Corner, 50 feet in height at the North West corner, 50 feet in height at the North East corner, and 49.5 feet in height at the North South-East corner of the herein described parcel.

The portion of the hereinabove described parcel subject to the avigation easement being more particularly described as:

Commencing at the Southeastern corner of the above described property; thence North 89°52'48" West, 56.98 feet, to the true point of beginning of the avigation easement description; thence continuing North 89°52'48" West, 212.02 feet, to the Southwestern corner of the above described property; thence North 00°07'12" East, 67.20 feet; thence North 34°23'49" East, 79.00 feet, to a point on the Southern line of the above mentioned Boone property; thence along said Southern line, South 89°52'48" East, 24.50 feet; thence South 47°04'20" East, 194.96 feet, to the point of beginning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Ross Perry*  
Public Works Department

Reso 78-381  
Map

Oversized map folded and bound within Resolution Book, Volume 99.  
Unable to remove safely for scanning.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-382

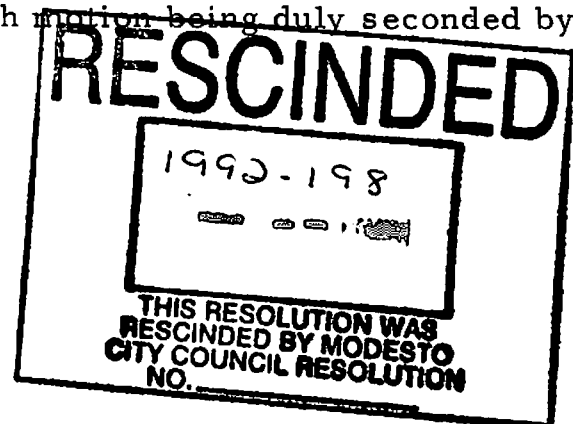
A RESOLUTION AMENDING RESOLUTION NO. 77-486  
ENTITLED "A RESOLUTION OF THE COUNCIL OF THE  
CITY OF MODESTO APPROVING THE CONFLICT OF  
INTEREST CODE OF THE PARKS AND RECREATION  
DEPARTMENT OF THE CITY OF MODESTO".

WHEREAS, by Resolution No. 77-486, adopted on May 9, 1977, the  
City Council, pursuant to Government Code Section 87303, approved the Conflict of  
Interest Code of the Parks and Recreation Department of the City of Modesto, and

WHEREAS, since approval of said Code there have been changed circumstances  
necessitating amendment of the Code in that the positions of Administrative Analyst, with  
Disclosure Category 2, and Landscape Designer, with Disclosure Category 2, should be  
added to the Parks and Recreation Code. A copy of Exhibit "A" as amended, is attached  
hereto and made a part hereof as though set forth in full herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that Resolution No. 77-486 entitled "A Resolution Of The Council Of The City  
Of Modesto Approving The Conflict Of Interest Code Of The Parks And Recreation  
Department Of The City Of Modesto" is hereby amended to add the positions of  
Administrative Analyst, with Disclosure Category 2, and Landscape Designer, with  
Disclosure Category 2. A copy of Exhibit "A", as amended, is 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 17th day of April, 1978, by Councilmember  
Mensing, who moved its adoption, which motion being duly seconded by



Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst	2
Director of Parks and Recreation	1, 2
Landscape Designer	2
Parks and Recreation Superintendents	1, 2
Recreation Supervisors	2
Park Maintenance Supervisor II	2
Park Maintenance Supervisor I	2
Museum Supervisor	2

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-383

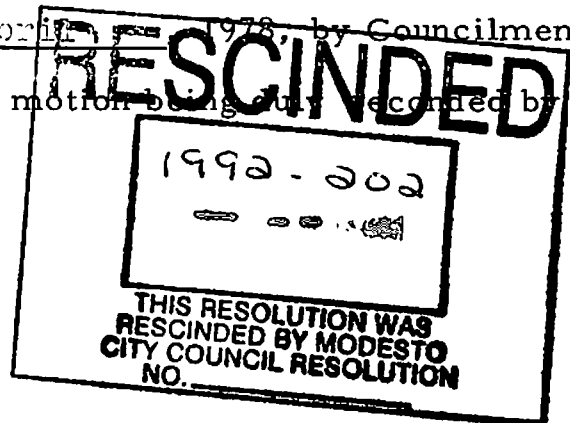
A RESOLUTION AMENDING RESOLUTION NO. 77-1219  
ENTITLED "A RESOLUTION OF THE COUNCIL OF THE CITY  
OF MODESTO APPROVING THE CONFLICT OF INTEREST  
CODE OF THE PUBLIC WORKS DEPARTMENT OF THE CITY  
OF MODESTO".

WHEREAS, by Resolution No. 77-1219, adopted on November 21, 1977  
the City Council, pursuant to Government Code Section 87303, approved the Conflict  
of Interest Code of the Public Works Department of the City of Modesto, and

WHEREAS, since approval of said Code there have been changed  
circumstances necessitating amendment of the Code in that the position of Administrative  
Analyst, with Disclosure Categories 4(g) and 4(h) and Assistant Property Agent, with  
Disclosure Categories 4(g) and 4(h) should be added thereto. A copy of Exhibit "A",  
as amended, is attached hereto and made a part hereof as though set forth in full  
herein.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that Resolution No. 77-1219 entitled "A Resolution Of The Council Of The City  
Of Modesto Approving The Conflict Of Interest Code Of The Public Works Department Of  
The City Of Modesto" is hereby amended to add the position of Administrative Analyst,  
with Disclosure Categories 4(g) and 4(h) and Assistant Property Agent, with Disclosure  
Categories 4(g) and 4(h). A copy of Exhibit "A", as amended, is 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 17th day of April, 1978, by Councilmember  
Mensinger, who moved its adoption, which motion being duly recorded by



Councilmember Dunlap, was upon roll call carried and the resolution

adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Administrative Analyst	4(g), 4(h)
Airport Manager	4(a), 4(b), 4(c)
Assistant Director of Public Works	1, 2, 3, 4(n)
Assistant Property Agent	4(g), 4(h)
Associate Civil Engineer	1, 2, 3, 4(n)
Building Inspector	4(f)
Building Maintenance Supervisor	4(e)
Chief Building Official	1, 2, 3, 4(a), 4(b), 4(f), 4(m)
Chief Electrician	4(a), 4(b), 4(h)
Civil Engineering Tech. III (Sdw. Program)	4(f)
Construction Inspector	4(f)
Director of Public Works/City Engineer	1, 2, 3, 4(n)
Equipment Repair Shop Supervisor	4(a), 4(b), 4(d)
Industrial Waste Inspector	4(j)
Lead Building Inspector	1, 2, 3, 4(a), 4(b), 4(f)
Plan Review Engineer I	1, 2, 3, 4(a), 4(b), 4(f)
Plan Review Engineer II	1, 2, 3, 4(a), 4(b), 4(f)
Property Agent	1, 2, 3, 4(a), 4(b), 4(k)
Public Services Inspector	4(l)
Senior Building Inspector	1, 2, 3, 4(a), 4(b), 4(f)
Streets Maintenance Engineer	1, 2, 3, 4(a), 4(b), 4(f)
Wastewater Treatment Plant Supervisor	4(j)
Water Quality Control Superintendent	1, 2, 3, 4(a), 4(b), 4(j)
Water Superintendent	1, 2, 3, 4(a), 4(b), 4(g)
Zoning Inspector	4(m)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-384

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHN PAOLUCCIO CONSULTING ENGINEERS FOR PREPARATION OF PLANS AND SPECIFICATIONS FOR AIR CONDITIONING SYSTEMS AT THE SENIOR CITIZEN'S BUILDING, 221 BODEM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and John Paoluccio Consulting Engineers for preparation of plans and specifications for air conditioning systems at the Senior Citizen's Building, 221 Bodem be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-385

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL H. AND BLANCHE I. BALSBAUGH FOR THE PURCHASE OF 0.272+ ACRES OF RIGHT OF WAY NEEDED FOR THE STANDIFORD-TULLY TO 300' WEST OF CARVER PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Paul H. Balsbaugh for the purchase of 0.272+ acres of right of way needed for the Standiford-Tully to 300' West of Carver Project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote.

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-386

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE SALIDA  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Salida  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Pelandale No. 1 Addition  
by Ordinance No. 1700-C.S. adopted on January 9,  
1978, and said addition officially became a part of the City of  
Modesto on March 29, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Salida Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Rox Campbell  
Public Works Department

October 12, 1977  
September 21, 1977

PELANDALE NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, being in the Southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the 1/4 section corner common to Sections 2 and 11 and as established by a Northeastern corner of BECKWITH NO. 1 ADDITION (305), as per description filed June 19, 1973, as Instrument 54524, Stanislaus County Records;

1. thence along the existing City Limits on a northerly line of said Addition (305), South  $89^{\circ} 52' 45''$  West, 987.62 feet;
2. thence continuing along the existing City Limits on an easterly line of said Addition (305), North  $00^{\circ} 15' 30''$  East, 1328.84 feet;
3. thence leaving the existing City Limits along the centerline of 40.00 foot Pelandale Avenue, North  $89^{\circ} 57' 00''$  East, 3629.11 feet;
4. thence along the centerline of 50.00 foot Dale Road, South  $0^{\circ} 18' 00''$  West, 1324.75 feet, to the Section corner common to Sections 1, 2, 11, and 12;
5. thence South  $89^{\circ} 53' 20''$  West, 2640.55 feet to the point of beginning, containing 110.516 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-387

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE WOODLAND  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Yellowstone-Temperate Addition  
by Ordinance No. 1712-C.S. adopted on February 13,  
1978, and said addition officially became a part of the City of  
Modesto on March 29, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Woodland Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

## YELLOWSTONE - TEMPERATE ADDITION

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

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

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



SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 173.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, May 22, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 173.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The northwest corner of the annexation at the south line of Pelandale Avenue.
- (2) The northeast corner of the annexation at the southwest corner of Pelandale Avenue and Dale Road.
- (3) The southeast corner of the annexation at the west line of Dale Road.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 173, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Ken Campbell*  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on April 17, 19 78, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Dunlap, seconded by Councilman Kullijian, and adopted by the following vote:

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

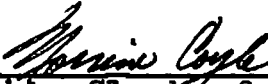
NOES: Councilmen: None

ABSENT: Councilmen: Elliott

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: April 17, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

October 12, 1977  
September 21, 1977

PELANDALE NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, being in the Southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the 1/4 section corner common to Sections 2 and 11 and as established by a Northeastern corner of BECKWITH NO. 1 ADDITION (305), as per description filed June 19, 1973, as Instrument 54524, Stanislaus County Records;

1. thence along the existing City Limits on a northerly line of said Addition (305), South  $89^{\circ} 52' 45''$  West, 987.62 feet;
2. thence continuing along the existing City Limits on an easterly line of said Addition (305), North  $00^{\circ} 15' 30''$  East, 1328.84 feet;
3. thence leaving the existing City Limits along the centerline of 40.00 foot Pelandale Avenue, North  $89^{\circ} 57' 00''$  East, 3629.11 feet;
4. thence along the centerline of 50.00 foot Dale Road, South  $0^{\circ} 18' 00''$  West, 1324.75 feet, to the Section corner common to Sections 1, 2, 11, and 12;
5. thence South  $89^{\circ} 53' 20''$  West, 2640.55 feet to the point of beginning, containing 110.516 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-389

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (YELLOWSTONE-TEMPERATE ADDITION)

WHEREAS, there has been annexed to the City of Modesto on March 29, 1978, certain territory known as Yellowstone-Temperate Addition, and

WHEREAS, the inclusion of the area contained in Yellowstone-Temperate Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

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

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Yellowstone-Temperate Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 174.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, May 22, 1978, at the hour of 7:35 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 174.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) A northeast corner of the annexation at the southwest corner of Woodland Avenue and Shasta Avenue.
- (2) A northeast corner of the annexation at the southwest corner of Temperate Avenue and Diablo Avenue.
- (3) A southeast corner of the annexation at the northwest corner of Torrid Avenue and Diablo Avenue.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 174, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call

carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Ross Campbell*  
Public Works Department

YELLOWSTONE - TEMPERATE ADDITION

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

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

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

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on April 17. 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Dunlap, seconded by Councilman Kullijian, and adopted by the following vote:

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

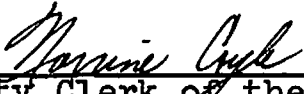
NOES: Councilmen: None

ABSENT: Councilmen: Elliott

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: April 17, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-390

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,236.00 TO  
FUND WATER CONSERVATION PROGRAM EXPENDITURES

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

FROM:	PW WATER	\$4,236
	(Account 6766-500-101)	
TO	PW WATER	\$4,236
	(Account 5486-500-101)	

Needed to fund Water Conservation Program expenditures  
to be incurred in FY 1977-78 which were not included in  
regular budget.

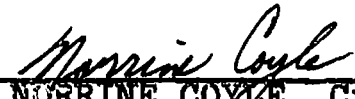
The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
April, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 391

A RESOLUTION ESTABLISHING LIMITATIONS ON THE USE  
OF WATER FROM THE MUNICIPAL WATER SYSTEM  
DURING THE MONTHS OF JUNE, JULY, AUGUST, AND  
SEPTEMBER 1978.

WHEREAS, the City of Modesto obtains its entire supply of domestic  
water from 45 deep well pumping stations, and

WHEREAS, the conservation of ground water is a prudent and desirable  
goal and is necessary for the public health and safety, and

WHEREAS, it is timely for the City of Modesto to take those steps  
necessary to help insure an adequate local supply of water, and

WHEREAS, peak water demands on the municipal water system occur  
between the hours of 4 p.m. and 8 p.m. from June through September, and

WHEREAS, the Modesto Irrigation District has advised that the peak  
electric power demands on the Modesto Irrigation District system occur between  
the hours of 4 p.m. and 7 p.m. from June through September, and

WHEREAS, the University of California Cooperative Extension Service  
has advised that it is best to water lawns deeply, infrequently, and in the mornings,  
and

WHEREAS, Section 11-1.14, subsection (q), of the Modesto Municipal  
Code authorizes this Council to establish rules or regulations by resolution concerning  
the city's municipal water system,

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

1. The irrigation of all landscaped areas (lawns, ornamental gardens, shrubs, ornamental trees, etc.) from water supplied by the municipal water system is prohibited between the hours of 4 p.m. and 8 p.m. of each day, except Sunday's, during the months of June, July, August, and September 1978.

2. Violations of the above prohibition are declared to be a waste of water and shall be handled by the Director of Public Works in accordance with the provisions of Section 11-1.14 of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-392

A RESOLUTION INITIATING PROCEEDINGS FOR THE PROPOSED  
ANNEXATION OF INHABITED TERRITORY DESCRIBED HEREIN AND  
DESIGNATED AS SHERWOOD FOREST NO. 2  
ANNEXATION TO THE  
CITY OF MODESTO, AND GIVING NOTICE OF TIME AND PLACE FOR  
HEARING PROTESTS THERETO.

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

1. That pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by the owners of land or registered voters residing within territory in the County of Stanislaus requesting annexation to the City of Modesto of the Sherwood Forest No. 2  
Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission determined that said territory is inhabited and approved the initiation of proceedings for annexation of said inhabited territory to the City of Modesto pursuant to the Government Code, a copy of which resolution is attached hereto as Exhibit A and made a part hereof by reference.

2. That the chief petitioners requesting said annexation as set forth in the application filed with the Commission are:

<u>Name</u>	<u>Address</u>
William J. Moorad	405 Greenwich Lane Modesto, Ca.
Carol J. Christensen	513 Barringham Lane Modesto, Ca.
Phillip G. Marquart	3312 Mansfield Lane Modesto, Ca.

3. That the territory which the petitioners request be annexed to the City of Modesto and which said City and its Council propose to annex, is situated in the County of Stanislaus, State of California, has been designated as \_\_\_\_\_  
Sherwood Forest No. 2 Annexation to the City of Modesto,  
the exterior boundaries of which are set forth in the description attached hereto as Exhibit A and made a part hereof by reference.

4. That the reason or reasons for the proposed annexation as set forth in the proposal thereof submitted to the Commission are set forth in page 7 of the application, which page is attached hereto as Exhibit B and made a part hereof by reference.

5. That the terms and conditions of the proposed annexation contained in the Commission's resolution making determinations, if any, are set forth in said resolution, which is attached hereto as Exhibit C and made a part hereof by reference.

6. That no change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

BE IT FURTHER RESOLVED NOTICE IS HEREBY GIVEN that the 22nd day of May, 1978, at the hour of 7:40 o'clock P.M. of said day, in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto be and the same is hereby fixed as the time and place for considering said annexation, at which time and place any owner of land or registered voter residing within such territory and having any objections to the proposed annexation may appear before the Council of the City of Modesto and show cause why such territory should not be so annexed.

1. Any such protest must be in writing, must be filed with the City Clerk at any time before the conclusion of the hearing on the proposed annexation, and must give the name and address of the owner of land with the description and area of such property, in general terms, or the name and address of the registered voter.

2. The City Clerk shall cause a copy of this resolution to be published at least twice, but not oftener than once a week in The Modesto bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and shall also cause a copy of this resolution to be published in the Riverbank News, being a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus. Said publications shall be completed at least twenty (20) days prior to the date set for the hearing.

3. The City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice;

(b) The chief petitioners, if any, as indicated in the petition initiating proceedings;

(c) To each affected city, county, and district; and

(d) To the executive office of the Local Agency Formation Commission.

4. The City Clerk is directed to cause written notice to be given to such other persons as may be legally entitled thereto, in the manner required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Selwyn L. Johnson  
SELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Paul Campbell  
Public Works Department

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

Beginning at a point on the existing City Limits as established by the Northwestern corner of the CLAREMONT NO. 2 ADDITION (275), as per description filed August 4, 1971, as Instrument 29023, Stanislaus County Records, said point also being the Southeastern corner of the McHENRY-SYLVAN ADDITION (276), as per description filed October 15, 1971, as Instrument 39501, Stanislaus County Records, said point also being the interior quarter section corner of said Section 9; thence along the existing City Limits on the Western line of said Addition (275) and the North-South quarter section line of Section 9, South  $00^{\circ}46'00''$  East, 1320.56 feet, to the Southeastern corner of the SHERWOOD FOREST NO. 2 Subdivision, as per map filed April 17, 1963 in Volume 20 of Maps, Page 39, Stanislaus County Records; thence leaving the existing City Limits on the Southern line of said Sherwood Forest No. 2 Subdivision and its Westerly extension, North  $89^{\circ}23'20''$  West, 1318.76 feet, to a point on the center line of a 60.00 foot public road known as Doncaster Lane; thence along said center line of Doncaster Lane and the Western line of Sherwood Forest No. 2 Subdivision, North  $00^{\circ}46'50''$  West, 1322.97 feet, to a point on the Southern line of said Addition (276); thence along the existing City Limits on the Southern line of Addition (276), said line being the East-West quarter section line of Section 9 and the center line of a public road known as Sylvan Avenue, South  $89^{\circ}17'04''$  East, 1319.14 feet, to the point of beginning, containing 40.009 Acres, more or less.

VIII. PROPONENTS' STATEMENT

- A. State the reason(s) why the proponent(s) feel the annexation should be approved. (Note: this statement or a synopsis of it, will be included in the written report which is submitted to LAFCO.)

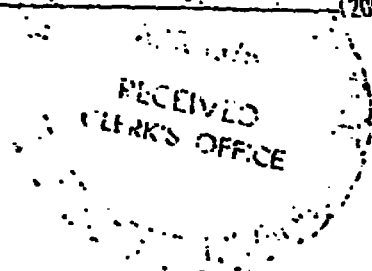
Annexation will allow this area to hook up to the City sewer system.

It will afford increased fire protection and an associated decrease in the cost of fire insurance.

Law enforcement should be improved as a result.

This will enable the area to come under the City's tree, street, and alley maintenance program. Also, better lighting will be available.

Be able to have a voice in local government from which we are now excluded, and also to be able to participate in community affairs.



-----  
IN RE: -----  
SHERWOOD FOREST NO. 2 ANNEXATION -----  
TO THE CITY OF MODESTO -----  
-----

R E S O L U T I O N

March 29, 1978

WHEREAS, at the time and place previously fixed for a public hearing on the proposed Sherwood Forest No. 2 Annexation to the City of Modesto, said public hearing was held; and

WHEREAS, notice of said public hearing was given as required by Section 54793 of the Government Code of the State of California, and the affidavit of Lloyd R. Brouillard to this effect is on file; and

WHEREAS, this Commission has heard all parties requesting to be heard on this matter and has given consideration to all factors required by Section 54796 of the Government Code of the State of California; and

WHEREAS, the proposal is categorically exempt from the provisions of the California Environmental Quality Act of 1970.

NOW, THEREFORE, BE IT RESOLVED that this Commission hereby finds that:

- a. The approval of the proposal would be consistent with all applicable local general plans.
- b. The annexation area has a need for the services which would be provided upon annexation.
- c. The cost of these services appears to be reasonable.
- d. The territory involved in the proposal is inhabited.

BE IT FURTHER RESOLVED THAT, based on the above findings, this Commission hereby:

- a. Designates the proposal as the Sherwood Forest No. 2 Annexation to the City of Modesto.
- b. Approves the proposal as submitted.
- c. Designates the City of Modesto as the conducting authority.
- d. Directs the Modesto City Council to initiate annexation proceedings.

Upon motion by Commissioner Ulm, seconded by Commission Draper, the foregoing resolution was duly passed and adopted at a regular meeting of the Stanislaus County Local Agency Formation Commission this 29th day of March, 1978, by the following called vote:

AYES:	Commissioners:	Ulm and Draper
NOES:	Commissioners:	Garcia
ABSENT:	Commissioners:	Arakelian and Alternate Rootlieb and Alternate
ABSTAINING OR DISQUALIFIED:	Commissioners:	Siefkin

ATTEST:

*[Signature]*  
 \_\_\_\_\_  
 Executive Officer

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors APR 7 - 1978

STEVE R. NELSON

County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Stanislaus, State of California

*[Signature]*  
 Deputy

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-393

A RESOLUTION INITIATING PROCEEDINGS FOR THE PROPOSED  
ANNEXATION OF UNINHABITED TERRITORY DESCRIBED HEREIN AND  
DESIGNATED AS VENEMAN NO. 2

ANNEXATION  
TO THE CITY OF MODESTO, AND GIVING NOTICE OF TIME AND  
PLACE FOR HEARING PROTESTS THERETO.

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

1. That pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by the owners of territory in the County of Stanislaus requesting annexation to the City of Modesto of the Veneman No. 2 Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission determined that said territory is uninhabited and approved the initiation of proceedings for annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, a copy of which resolution is attached hereto as Exhibit A and made a part hereof by reference.

2. That the chief petitioners requesting said annexation as set forth in the application filed with the Commission are:

<u>Name</u>	<u>Address</u>
Norman J. Winsor	7101 Oakmont Drive Modesto, Ca.
Richard Ciccarelli	6719 Ciccarelli Road Modesto, Ca.

3. That the territory which the petitioners request be annexed to the City of Modesto and which said City and its Council propose to annex, is situated in the County of Stanislaus, State of California, has been designated as \_\_\_\_\_  
Veneman No. 2 Annexation to the City of Modesto,  
the exterior boundaries of which are set forth in the description attached hereto as Exhibit A and made a part hereof by reference.

4. That the reason or reasons for the proposed annexation as set forth in the proposal thereof submitted to the Commission are set forth in page 7 of the application which is attached hereto as Exhibit B and made a part hereof by reference.

5. That the terms and conditions of the proposed annexation contained in the Commission's resolution making determinations, if any, are set forth in said resolution, which is attached hereto as Exhibit C and made a part hereof by reference.

6. That no change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

BE IT FURTHER RESOLVED NOTICE IS HEREBY GIVEN that the 22nd day of May, 1978, at the hour of 7:45 o'clock P.M. of said day, in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto be and the same is hereby fixed as the time and place for considering said annexation, at which time and place any person owning real property within such territory and having any objections to the proposed annexation may appear before the Council of the City of Modesto and show cause why such territory should not be so annexed.

1. Any such protest must be in writing, must be filed with the City Clerk at any time before the conclusion of the hearing on the proposed annexation, and shall state the name or names of the owner or owners of property affected and the description and area of such property, in general terms.

2. The City Clerk shall cause a copy of this resolution to be published at least twice, but not oftener than once a week in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and shall also cause a copy of this resolution to be published in the Riverbank News, being a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus. Said publications shall be completed at least twenty (20) days prior to the date set for the hearing.

3. The City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice;

(b) The chief petitioners, if any, as indicated in the petition initiating proceedings;

(c) To each affected city, county, and district; and

(d) To the executive office of the Local Agency Formation Commission.

4. The City Clerk is directed to cause written notice to be given to such other persons as may be legally entitled thereto, in the manner required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyze  
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

VENEMAN NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a corner of STANDIFORD-SNYDER ADDITION (360), as per description filed September 20, 1977 as Instrument 18800, Stanislaus County Records, said point being on the West line of Section 12;

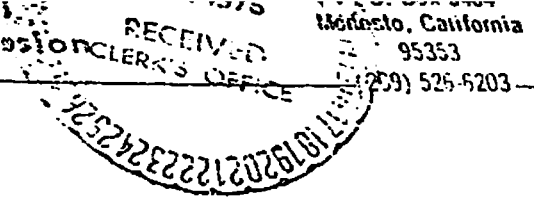
1. thence along the existing City Limits and a Western line of said ADDITION (360), South  $00^{\circ} 42' 30''$  East, 954.13 feet, to a Southwest corner of said ADDITION (360) and the center line of 40.00 foot Standiford Avenue;
2. thence leaving the existing City Limits along said center line, South  $88^{\circ} 47' 00''$  West, 1631.58 feet, to a Northeast corner of CONANT NO. 1 ADDITION (294), as per description filed July 27, 1972 as Instrument 3721, Stanislaus County Records;
3. thence along the existing City Limits along said avenue and Northern line of said ADDITION (294), South  $88^{\circ} 47' 00''$  West, 1022.07 feet, to the Southeast corner of VENEMAN ADDITION (337), as per description filed January 16, 1976 as Instrument 31886, Stanislaus County Records;
4. thence continuing along the existing City Limits along the Eastern line of said ADDITION (337), North  $00^{\circ} 00' 44''$  East, 992.58 feet;
5. thence leaving the existing City Limits, North  $89^{\circ} 36' 48''$  East, 2110.46 feet, to a Southwest corner of STANDIFORD-SNYDER ADDITION (360);
6. thence along the existing City Limits, North  $89^{\circ} 36' 48''$  East, 530.64 feet to the point of beginning, containing 59.151 Acres, more or less.

VIII. PROPONENTS' STATEMENT

A. State the reason(s) why the proponent(s) feel the annexation should be approved. (Note: this statement or a synopsis of it, will be included in the written report which is submitted to LAFCO.)

None

EXHIBIT B



-----  
IN RE: -----

R E S O L U T I O N

VENEMAN NO. 2 ANNEXATION TO THE  
CITY OF MODESTO  
-----

March 29, 1978

WHEREAS, at the time and place fixed by public notice for a public hearing on the proposed Veneman No. 2 Annexation to the City of Modesto, said public hearing was held; and

WHEREAS, notice of said public hearing was given as required by Sections 35055, 35152, and 35153 of the Government Code of the State of California; and

WHEREAS, this Commission has received oral and written protests, objections, or evidence, and considered the report of the Executive Officer, and the plan for providing municipal services in the territory; and

WHEREAS, the Environmental Review Committee has recommended that a Negative Declaration be filed on the proposal.

NOW, THEREFORE, BE IT RESOLVED that the Commission finds that:

- a. The approval of the proposal would not have a significant effect on the environment;
- b. The proposal is consistent with the applicable local general plans;

- c. The territory within the unincorporated island which will be created if the proposal is approved cannot be annexed to another city;
- d. The application of the restrictions of Section 35010 of the Government Code would be detrimental to the orderly formation of the community; and
- e. The annexation area is uninhabited.

BE IT FURTHER RESOLVED that, based on these findings, the Commission take the following action with respect to this proposal:

- a. Order that a Negative Declaration be filed on the proposal;
- b. Designate the proposal as the Veneman No. 2 Annexation to the City of Modesto;
- c. Waive the restrictions of Section 35010 of the Government Code;
- d. Approve the proposal as submitted;
- e. Designate the City of Modesto as the conducting authority; and
- f. Direct the Modesto City Council to initiate annexation proceedings.

Upon motion by Commissioner Condit, seconded by Commissioner Arakelian, the foregoing resolution was duly passed and adopted at a regular meeting of the Stanislaus County Local Agency Formation

Commission this 29th day of March, 1978, by the following called  
vote:

AYES:	Commissioners:	Arakelian, Condit, Draper and Garcia
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Alternate Rootlieb
ABSTAINING OR DISQUALIFIED:	Commissioners:	Ulm and Chairperson Siefkin

*George Laake*

ATTEST:

\_\_\_\_\_  
Executive Officer

I hereby certify that the foregoing is a  
full, true and correct copy of the Original  
entered in the Minutes of the Board of  
Supervisors. APR 7 - 1978

STEVE R. NELSON

County Clerk and ex-officio Clerk of the  
Board of Supervisors of the County of  
Stanislaus, State of California

*Steve R. Nelson*  
Deputy

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-394

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FOSTER FARMS JERSEY DAIRY GRANTING REVOCABLE LICENSE FOR AN ACCESS OPENING TO BURCHELL COURT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Foster Farms Jersey Dairy for granting revocable license for an access opening to Burchell Court from Foster Farms at 1707 McHenry Avenue be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-395

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE RIGHT OF WAY FOR THE STANDIFORD-TULLY TO 300' WEST OF CARVER PROJECT (Alvin G. Wallis et ux)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 8, 1978, at 7:40 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a Resolution of Necessity to acquire right of way for the Standiford-Tully to 300' West of Carver Project (Alvin G. Wallis et ux).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-396

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE RIGHT OF WAY FOR THE STANDIFORD-TULLY TO 300' WEST OF CARVER PROJECT (Victor R. Wright, et ux)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 3, 1978, at 7:40 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a Resolution of Necessity to acquire right of way for the Standiford-Tully to 300' West of Carver Project (Victor R. Wright, et ux).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-397

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE RIGHT OF WAY FOR THE STANDIFORD-TULLY TO 300' WEST OF CARVER PROJECT (Glen E. Dorrity et ux)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 3, 1978, at 7:40 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a Resolution of Necessity to acquire right of way for the Standiford-Tully to 300' West of Carver Project (Glen E. Dorrity et ux).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-398

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
CLYDA M. RAMOS FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS  
AT 519 KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Clyda M. Ramos  
for water service to property outside City limits at 519 Kansas  
Avenue, located on the north side of Kansas Ave. between Barium Rd.  
and Franklin Street  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
April, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-399

A RESOLUTION APPROVING ISSUANCE OF PURCHASE ORDER FOR CONSTRUCTION OF PRIMARY ELECTRICAL SERVICE TO ADDITIONAL AERATORS AT THE WASTE-WATER PONDS

WHEREAS, the City of Modesto has awarded a contract to Fred J. Early Jr. Co. to construct additional aerators at the wastewater ponds; and

WHEREAS, Turlock Irrigation District is the power supplier, and the project requires new primary routing for about 5,000 feet, plus the installation of three pad-mount transformers and this work will be done by Turlock Irrigation District at an estimated cost of \$19,600.00 to the City of Modesto; and

WHEREAS, the Public Works Department recommends that authorization be given to issue a purchase order to Turlock Irrigation District in the amount of \$19,600.00 for construction of primary electrical service to additional aerators at the wastewater ponds.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that issuance of a purchase order in the amount of \$19,600.00, including \$6,300 provided by agreement for the underground electrical service, to Turlock Irrigation District for construction of primary electrical service to additional aerators at the wastewater ponds is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which

motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-400

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND TURLOCK IRRIGATION DISTRICT FOR ELECTRICAL SERVICE TO ADDITIONAL AERATORS AT THE WASTEWATER PONDS AND AUTHORIZING MAYOR TO SIGN EASEMENT DEED

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Turlock Irrigation District for electrical service to additional aerators at the wastewater ponds be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager, and the execution of the easement deed by the Mayor, 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 April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-401

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STONE AND YOUNGBERG, MUNICIPAL FINANCING CONSULTANTS, INC., TO PROVIDE FINANCIAL CONSULTING SERVICES TO THE CITY IN CONNECTION WITH THE COMMUNITY CENTER BOND MEASURE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stone and Youngberg, Municipal Financing Consultants, Inc. for consulting services to the City in connection with the Community Center bond measure. be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Cozle  
NORRINE COZLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-402

A RESOLUTION APPROVING APPROPRIATION TRANSFER \$1,500 TO PROVIDE FUNDS FOR FINANCIAL CONSULTANT SERVICES TO BE UTILIZED THROUGH THE END OF THIS FISCAL YEAR

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	RESERVE (Account 61-300-321)	\$1,500
TO:	PARKS (Account 6271-270-321)	\$1,500

To provide funds for Financial Consultant Services to be utilized through the end of this fiscal year in connection with the Community Center bond measure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

Nurrine Coyle  
NURRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-403

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
SAVE MART STORE TO RELOCATE ONE OF THE CITY'S WATER AND SEWER  
UTILITY PAY STATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Save Mart Store  
at 1612 Crowslanding Road  
for relocating one of the City's water and sewer utility pay  
stations  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
April, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-404

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. 67-66 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 an amendment 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. The Position Classification Plan of the City of Modesto is hereby amended to create a new classification as follows:

CLASSIFICATION CREATED

Personnel Manager

SECTION 2. The specifications for the classification created, as shown on the attached Exhibit "A" which is hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by

Councilmember Dunlap, who moved its adoption, which motion being  
duly seconded by Councilmember Kullijian, was upon roll call carried  
and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davics

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

DEFINITION

Under administrative direction, to plan, coordinate and administer City programs in personnel, training and affirmative action; to develop information and present recommendations to the Director of Management Services; and to do related work as required.

EXAMPLES OF DUTIES

Confers with and provides information and advice to the Director of Management Services and department heads concerning personnel needs, staffing requirements, and personnel policies and programs; supervises and assists in recruiting, interviewing and testing applicants; assists in administering the classification and pay plan; prepares classification and salary studies for the Director of Management Services; prepares drafts of reports, special studies, memoranda and letters for the Director of Management Services; assists in administration of the City's personnel policies, rules, regulations and classifications; maintains and revises procedures and records relating to the central personnel functions including personnel files, performance evaluations, service awards and suggestion system; counsels employees and supervisors on personnel problems; participates in the meet and confer process; acts as liaison between the City and insurance companies on group insurance; develops and administers City affirmative action programs; develops a variety of information and prepares reports and recommendations for the Director of Management Services.

DESIRABLE QUALIFICATIONS

Knowledge of:

Principles and practices of public personnel administration, training and affirmative action;  
Principles and practices of program organization and management;  
Principles of public administration;  
Principles of supervision and training.

and

Ability to:

Plan, coordinate, and administer City programs in personnel, training and affirmative action;  
Develop a variety of information and prepare recommendations and reports;  
Supervise and train subordinate personnel;  
Establish and maintain cooperative working relationships.

and

Experience:

Four years of public personnel experience on a professional level with a minimum of one year of supervision of a personnel office or a major division or section of such an office.

and

**Education:**

Graduation from an accredited four-year college or university with a degree in public administration, personnel administration or a closely related field. A Masters' Degree may be substituted for one year of experience except for the one year of supervisory experience.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-405

A RESOLUTION AMENDING EXHIBIT "F" OF RESOLUTION NO. 77-660 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE".

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 77-660. Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78" attached to Resolution No. 77-660, is hereby amended as shown on the amended Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "F" adds the position of Personnel Manager, Range 432.0.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

CITY OF MODESTO  
 ALPHABETICAL LISTING OF CLASSIFICATIONS IN CITY SERVICE  
 1977-78

(Effective 7-5-77, amended 7-26-77, 8-15-77, 11-28-77, 4-17-78)

<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
Account Clerk I	433.0	Chief Building Official
Account Clerk II	429.0	Chief Electrician
Account Clerk III	N/A	Chief of Police
Account Clerk IV	N/A	City Attorney
Accountant	N/A	City Clerk and Auditor
Accounting Administrator	N/A	City Manager
Administrative Analyst	117.5	Civil Engineering Technician I
Administrative Assistant (Parking & Traffic)	120.5	Civil Engineering Technician II
Airport Manager	123.5	Civil Engineering Technician III
Airport Operations Supervisor	426.5	Civil Engineering Technician IV
Animal Control Officer	120.5	Community Service Officer
Assistant Building Inspector	119.5	Communications Dispatcher
Assistant Chief of Police	119.5	Computer Operator
Assistant City Attorney	125.0	Construction Inspector
Assistant City Clerk	426.5	Data Processing Supervisor
Assistant Civil Engineer	427.0	Deputy City Attorney I
Assistant Director of Public Works	312.0	Detective
Assistant Electrician	N/A	Director of Finance
Assistant Fire Chief	N/A	Director of Management Services
Assistant Planner	N/A	Director of Parking and Traffic
Assistant Property Agent	N/A	Director of Parks and Recreation
Assistant Public Services Inspector	N/A	Director of Planning and Community Development
Assistant Zoning Inspector	N/A	Director of Public Works and City Engineer
Associate Civil Engineer	N/A	
Associate Planner	N/A	
Battalion Chief	120.5	Electrical Technician
Budget Accountant	118.5	Electrical Trainee
Building Inspector	124.5	Electrician
Building Maintenance Supervisor	122.0	Equipment Mechanic
Building Maintenance Worker	120.5	Equipment Operator
Building Maintenance Leadworker	427.0	Equipment Repair Shop Supervisor
	119.0	Equipment Service Worker

ALPHABETICAL LISTING (Continued)

<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
Financial Specialist	122.5	Nursery Propagator
Fire Chief		
Fire Engineer	113.5	Office Services Clerk
Fire Fighter	122.5	Office Services Supervisor
Fire Lieutenant	117.5	Offset Duplicating Equipment Operator
Fire Prevention Inspector Trainee		
Heavy Equipment Operator	122.5	Parking and Traffic Leadworker
Housing Conservationist	120.5	Parking and Traffic Maintenance Worker
Housing Program Officer	122.5	Parks Maintenance Leadworker
	424.5	Parks Maintenance Supervisor I
	426.5	Parks Maintenance Supervisor II
Industrial Waste Inspector	112.0	Parks Maintenance Trainee
	118.5	Parks Maintenance Worker I
Janitor	120.5	Parks Maintenance Worker II
Junior Accountant	432.0	Parks and Recreation Superintendent
Junior Civil Engineer	432.0	Personnel Manager
Junior Planner	413.5	Personnel Clerk I
	416.5	Personnel Clerk II
Keypunch Operator	420.5	Personnel Technician I
	423.5	Personnel Technician II
Laboratory Technician	426.0	Plan Review Engineer I
Laborer	429.0	Plan Review Engineer II
Landscape Designer	117.5	Planning Technician I
Lead Building Inspector	120.5	Planning Technician II
Lead Electrician	123.5	Planning Technician III
Lead Equipment Mechanic	632.0	Police Captain
Legal Secretary	630.0	Police Lieutenant
	310.0	Police Officer
Management Assistant	117.5	Police Property Clerk
Management Assistant (Risk Manager)	425.0	Police Records Supervisor
Microfilm and Graphics Technician	627.0	Police Sergeant
Microfilm and Graphics Technician II	426.0	Programmer Analyst
Motor Sweeper Operator	430.0	Property Agent
Museum Supervisor	125.0	Public Services Inspector
	114.5	Public Services Trainee
	122.5	Public Works Lead Worker

ALPHABETICAL LISTING (Continued)

<u>Title of Classification</u>	<u>Range</u> <u>No.</u>	<u>Title of Classification</u>
Public Works Maintenance Trainee	113.5	Telephone Operator-Receptionist
Public Works Maintenance Worker I	429.0	Transit Manager
Public Works Maintenance Worker II	120.5	Tree Trimmer I
Public Works Supervisor I	122.5	Tree Trimmer II
Public Works Supervisor II	111.5	Typist Clerk I
Pump Maintenance Worker	113.5	Typist Clerk II
Purchasing Assistant		
Purchasing Officer		
Recreation Supervisor	424.5	Warehouse Supervisor
Rehabilitation Specialist	118.5	Wastewater Treatment Plant Attendant
	122.5	Wastewater Treatment Plant Mechanic
	120.5	Wastewater Treatment Plant Operator I
Secretary I	122.5	Wastewater Treatment Plant Operator II
Secretary II	426.5	Wastewater Treatment Plant Supervisor
Secretary to the City Attorney	432.0	Water Quality Control Superintendent
Secretary to the City Manager	114.5	Word Processing Technician I
Senior Building Inspector	116.5	Word Processing Technician II
Senior Equipment Mechanic	113.5	Word Processing Trainee
Senior Planner		
Service Division Superintendent		
Social Services Coordinator	125.0	Zoning Inspector
Stenographer Clerk		
Storeskeeper I		
Storeskeeper II		
Street Trees Maintenance Worker II		
Supervising Clerk I		
Supervising Clerk II		

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-406

A RESOLUTION REVISING THE SPECIFICATION FOR THE CLASSIFICATION OF FIRE FIGHTER PROVIDED UNDER THE POSITION CLASSIFICATION PLAN OF THE CITY OF MODESTO.

WHEREAS, a revision to the job specification for the classification of Fire Fighter in the City of Modesto's Position Classification Plan has been recommended by the City Manager, and

WHEREAS, said revision has been recommended to add the following requirements:

1. Possession of no less than a Class 2 operator's license (issued by the California Department of Motor Vehicles) upon completion of a one year probationary period.
2. Probationary Fire Fighters shall also be certified as set forth in the Department's Probationary Fire Fighters Manual, in order to serve as relief Engineer by the end of each person's probationary period.
3. Failure to comply with any of the above requirements will be grounds for dismissal from the Modesto Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the job specification for the position Fire Fighter be revised as shown on the attached Exhibit "A", which by this reference is made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the specification for Fire Fighter as shown on Exhibit "A" is hereby approved and made a part of the Position Classification Plan 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 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried

and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn I. Johnson*  
ELWYN I. JOHNSON, City Attorney

DEFINITION

Under supervision, to respond to fire alarms and other emergency calls to protect life and property; to participate in fire prevention, station maintenance, and training activities; and to do related work as required.

EXAMPLE OF DUTIES

Responds to alarms and assists in the suppression of fire, including rescue, entry, ventilating, and salvage work; performs clean-up and overhaul work, checking, testing, and maintenance activities on apparatus and equipment to return it to readiness for further alarms; assists in maintaining fire apparatus, equipment, fire station, and grounds; responds to emergency calls; operates resuscitators; administers first aid; assists in making residential, commercial, and industrial inspections to discover and eliminate potential fire hazards; distributes and posts public notices of city meetings and activities; licenses bicycles and assists in conducting monthly fire drills in school facilities; participates in continuing training and instruction program by individual study of technical material and attendance at scheduled drills and classes; assists in hydrant maintenance; participates in preparing exhibits and giving demonstrations for fire prevention purposes; may serve as relief Fire Engineer; responds to alarms while off duty.

SPECIAL REQUIREMENTS

Possession of at least a Class 3 operator's license issued by the California Department of Motor Vehicles at the time of applying for job.

Possession of no less than a Class 2 operator's license (issued by the California Department of Motor Vehicles) upon completion of a one year probationary period.

Probationary Fire Fighter shall also be certified as set forth in the Department's Probationary Fire Fighters' Manual, in order to serve as Relief Engineer by the end of each person's probationary period.

Failure to comply with any of the above requirements will be grounds for dismissal from the Modesto Fire Department.

DESIRABLE QUALIFICATIONS

## Knowledge of:

Elementary physics, chemistry, and mechanics.

## Ability to:

Learn technical fire fighting principles and techniques and principles hydraulics applied to fire suppression;

Understand and follow oral and written directions;

Establish and maintain cooperative relationships with fellow employees and the public;

Keep simple records and prepare reports;

Perform hazardous rescue and fire suppression evolutions.

and

**Experience and Education:**

Completion of fifteen (15) college semester units including six (6) semester units of courses directly related to Fire Fighting.

One year of paid, full time experience as a Fire Fighter may be substituted for the education requirement.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-407

A RESOLUTION ACCEPTING IMPROVEMENTS IN WOODGLEN PARK NO. 2 SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Norman J. and Lola Jean Winsor, husband and wife, subdividers of Woodglen Park No. 2 Subdivision, have filed Subdivision Bonds for faithful performance and labor and materials in the amount of \$177,300.00 and \$88,650.00 respectively to guarantee improvements in Woodglen Park No. 2 Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated April 11, 1978, 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 Woodglen Park No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$177,300.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$88,650.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Kullijian , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:   
NORRINE COILE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-408

A RESOLUTION ACCEPTING IMPROVEMENTS IN COLLEGE TERRACE ESTATES  
SUBDIVISION AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Norman J. and Lola Jean Winsor, husband and wife, subdividers of College Terrace Estates Subdivision, have filed Subdivision Bonds for faithful performance and labor and materials in the amount of \$135,800.00 and \$67,900.00 respectively to guarantee improvements in College Terrace Estates Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated April 11, 1978, 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 College Terrace Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$135,800.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$67,900.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Kullijian , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NCES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:   
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-409

INFORMAL

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON NOISE REPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 24, 1978, at 7:45 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a Noise Report, submitted by the Department of Planning and Community Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-410

A RESOLUTION APPROVING THE FINAL MAP OF THE  
COUNTRY CLASSICS NO. 2

SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Allen R. Grant and Carolyn M. Grant, husband and wife,

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~~is~~ (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 19.821 acres, known as the  
Country Classics No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 16th day of  
August, 1978, and

WHEREAS, the Secretary of the Planning Commission of the  
City of Modesto has certified that the final map of said tract  
substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified  
that the final map of said Country Classics No. 2  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL

RESOLUTION NO. 78-411

INFORMAL

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON RECOMMENDATIONS OF DOWNTOWN RENAISSANCE COMMITTEE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that April 24, 1978, at 7:40 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of recommendations of Downtown Renaissance Committee: City implementation of tax increment financing, Council designation of itself as a Redevelopment Agency, the hiring of a redevelopment attorney, and the active involvement of merchants and property owners in the downtown.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 412

A RESOLUTION GRANTING APPROVALS TO THE STANISLAUS COUNTY FOURTH OF JULY COMMITTEE FOR A "PICNIC IN THE PARK" AND A PARADE AND FIREWORKS DISPLAY TO CELEBRATE JULY 4, 1978 IN THE CITY OF MODESTO, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Stanislaus County Fourth of July Committee has filed requests with the City Council for permission to use Enslin Park and Graceada Park for a "Picnic in the Park" as part of its July 4th celebration, and

WHEREAS, said Committee has also filed requests relating to its parade and fireworks in connection with its July 4th celebration, and

WHEREAS, the Council deems it appropriate to grant approvals to the Committee relating to its July 4th celebration, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Stanislaus County Fourth of July Committee's 1978 July 4th "Picnic in the Park":

1. The Committee may use Enslin Park and Graceada Park on Tuesday, July 4, 1978 for a "Picnic in the Park" and use said parks on Monday, July 3, 1978 to prepare for and set up for said "Picnic in the Park" on Tuesday, July 4, 1978.

2. The streets of Sycamore from Needham to Morris, Park from Needham to Morris, Stoddard from Sycamore to Park, and Enslin from Stoddard to Morris may be closed to all traffic except emergency vehicles on Tuesday, July 4, 1978, subject to the approval of the Chief of Police of the City of Modesto. The Committee shall furnish its own street barricades for the closing of the streets approved by the Chief of Police.

3. The City of Modesto will provide eight (8) chemical toilets .  
for the "Picnic in the Park" on Tuesday, July 4, 1978.

4. All necessary licenses and permits must be obtained by each  
person or organization conducting an activity in either Enslin Park or  
Graceada Park under the Committee's sponsorship.

5. The Committee may charge a registration fee, in an amount  
not to exceed \$ 20.00 , from any person or organization conducting an  
activity in either Enslin Park or Graceada Park.

6. In the event of any disagreement over the right of any person  
or organization to use either Enslin Park or Graceada Park, the City's  
Director of Parks and Recreation shall have the right to make the final  
determination.

7. The Committee shall remove any excess trash and debris  
from both Enslin Park and Graceada Park which is generated as a result  
of the use of the parks by the Committee, or any person or organization  
under the Committee's sponsorship. The removal of said excess trash  
and debris by the Committee shall be completed by Wednesday, July 5, 1978,  
at 12:00 o'clock noon.

BE IT FURTHER RESOLVED by the Council of the City of Modesto  
that it does hereby approve the following, subject to the conditions set forth,  
relating to the Stanislaus County Fourth of July Committee's 1978 July 4th  
parade and fireworks display:

1. "I" Street, between 11th and 12th Streets will be barricaded  
between 9:30 A.M. and 3:30 P.M. on Tuesday, July 4, 1978.

2. The City's reviewing stand with canvas top will be placed on  
I Street close to the cannon in the Courthouse Park by City personnel on  
Monday, July 3, 1978 for use by the Committee for the parade on Tuesday,  
July 4, 1978.

3. The Committee is granted permission to use a public address system at the reviewing stand. Said public address system to be furnished by the Committee.

4. The Committee is granted permission to use Del Webb Field for entertainment and display of fireworks on the evening of July 4, 1978, subject to the following conditions:

(a) That the weather conditions will not create any fire hazard to the surrounding area;

(b) That the Committee assumes the responsibility for cleaning Del Webb Field and adjacent areas after their use;

(c) That the City be reimbursed for any damages which may occur to Del Webb Field and City's two (2) adjacent golf courses:

(d) That arrangements be cleared by the Director of Parks and Recreation and the Chief of Police.

(e) That the fire works display be conducted according to the requirements of the Fire Chief of the City of Modesto as set forth in the memorandum from the Fire Chief to the City Manager dated April 21, 1978, a copy of which is attached hereto marked Exhibit "A" and made a part hereof as though set forth in full herein.

5. The following parade route, used in 1977, is approved as the parade route to be used in 1978, subject to approval of the Chief of Police and Director of Parking and Traffic: Starting at 10th & F Streets; north on 10th to J Street; east on J Street to 11th; south on 11th to I Street; east on I Street to 15th Street; then dismantle.

6. The City will supply a standby fire truck for the fireworks display.

7. The City will supply two street sweepers for the parade.

8. The City will pay the Committee a total of \$2,500.00 to help defray some of the Committee's expenses such as insurance, postage, etc.

BE IT FURTHER RESOLVED that the following conditions shall apply to the requests of the Fourth of July Committee relating to its "Picnic in the Park", parade and fireworks:

(a) The Committee shall indemnify and hold City harmless from and against any and all costs, damages, liabilities, or injuries to persons or damage to property which may arise out of or in any way be connected with the Committee's use of Enslin and Graceada Parks and the streets adjacent thereto and the use of Del Webb Field and the areas adjacent thereto.

(b) The Committee shall furnish to the City Clerk of City, fifteen (15) days before the July 4th Celebration, a current and valid certificate of insurance evidencing Public Liability and Property Damage insurance as shall protect the Committee and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Committee's use of Enslin and Graceada Parks and the streets adjacent thereto and the use of Del Webb Field and the areas adjacent thereto.

The amounts of public liability insurance shall be as follows:

Public Liability Insurance in an amount not less than \$100,000.00 as the result of any one occurrence because of bodily injury, sickness, and disease including death therefrom (hereafter called "bodily injury") sustained by any one person; and \$500,000.00 as the result of one or more occurrences because of "bodily injury", and insurance in an amount not less than \$100,000.00 as the result of any one or all occurrences for property damage.

Committee's liability policy or valid certificate of insurance which is to be furnished to City Clerk of City shall contain contractual liability provisions stating that the policy is extended to cover the liability assumed by Committee under the terms of this resolution, and the liability policy and certificate of insurance to be furnished to City shall not permit cancellation of said insurance later than ten (10) days before the July 4th Celebration and until 48 hours following said July 4th Celebration.

BE IT FURTHER RESOLVED that the Council hereby approves an appropriation transfer in the amount of \$500.00 from Account 60, Department 80, Fund 101, General Reserve, to Department 610, Fund 101, General Reserve, 4th of July Celebration.

BE IT FURTHER RESOLVED that the City Clerk shall furnish Committee with a copy of this resolution. Committee 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 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

(SEAL)

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By J. David Fitzsimons  
for ELLWYN L. JOHNSON, City Attorney

April 21, 1978

City Manager

Fire Chief

Fireworks Display - July 4, 1978 - Del Webb Field

Pursuant to the provisions of Section 12648 of the Health and Safety Code of the State of California, I recommend a permit be granted with City Council approval as provided for in Section 12646 of the Health and Safety Code for the public display of fireworks to be conducted by the 4th of July Celebration Committee at Del Webb Field, July 4, 1978.

I recommend the permittee be required to provide the following safety measures as a condition for conducting the fireworks display.

- 1) The pyrotechnic operator shall be currently licensed by the State Fire Marshal.
- 2) Patrol personnel be provided to prevent the unlawful and dangerous discharge of legal and illegal fireworks on the Municipal Golf Course and on the Del Webb Field property by the general public.
- 3) Patrol personnel be provided to control the vehicular traffic and parking during the arrival and departure of the citizens attending the display.
- 4) Modesto Fire Department be authorized to provide fire patrol services in the fallout area utilizing six off-duty Fire Department personnel and two reserve engine companies.
- 5) Discharge of fireworks to be permitted only upon the approval of the Fire Marshal who will inspect the area prior to the actual discharging and will determine if compliance has been made with required safety regulations and the wind velocity is not exceeding the knots considered safe for this display.
- 6) The downrange area be barricaded and patrolled to prevent injury to spectators due to fallout of rocket components and short ground bursts.

R. Bruce Simons

RBS:slw

EXHIBIT "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-413

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ONE TRACTOR-LOADER-BACKHOE COMBINATION**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing one tractor-loader-backhoe combination copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 23, 1978, at 2:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-414

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ONE DIGGER-DERRICK TRUCK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing one digger-derrick 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 May 23, 1978 at 2:15 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Absent

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-415

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF ROCK, SAND, AND GRAVEL

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing annual requirements of rock, sand, and gravel 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 9, 1978, at 2:15 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-416

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS FOR READY-MIXED CONCRETE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing annual requirements for ready-mixed concrete copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 9, 1978, at 2:20 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-417

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN LINCOLN SQUARE NO. 7

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of waterlines in Lincoln Square No. 7 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 9, 1978, at 11:10 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-418

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF REVAR D PARK POOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of Revard Park pool

copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 16, 1978, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-419**

**A RESOLUTION ACCEPTING THE BID OF L. FERDIG & COMPANY, INC. TO INSTALL  
A METAL GUARD RAIL ON TUOLUMNE BOULEVARD AT THE 99 FREEWAY UNDERCROSSING**

**WHEREAS, Resolution No. 78-279 , adopted by the Council of the  
City of Modesto on March 20, 1978 , approved the plans and speci-  
fications for the installation of a metal guard rail on Tuolumne Blvd.  
at the 99 Freeway undercrossing  
and authorized the calling for bids, and**

**WHEREAS, the bids received for the metal guard rail on Tuolumne  
Blvd. at the 99 Freeway undercrossing  
were opened at 2:00 p.m. on April 11, 1978, and later tabulated  
by the Director of Parking & Traffic for the consideration of the  
Council, and**

**WHEREAS, the Director of Parking & Traffic has recommended that  
the bid of L. Ferdig & Co., Inc. in the amount of \$7,953  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of L. Ferdig & Company, Inc. in the amount of \$7,953  
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 24th day of April,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-420**

**A RESOLUTION ACCEPTING THE BID OF M.J. RUDDY & SON FOR CONSTRUCTION OF CURB AND GUTTER ON BRIGGSMORE AVENUE FROM PRESCOTT ROAD TO TULLY ROAD**

**WHEREAS, Resolution No. 78-300 , adopted by the Council of the City of Modesto on March 27, 1978 , approved the plans and specifications for the construction of curb and gutter on Briggsmore Avenue from Prescott Road to Tully Road and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of curb and gutter on Briggsmore Avenue from Prescott Road to Tully Road were opened at 11:00 a.m. on April 18, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of M.J. Ruddy & Son in the amount of \$53,401.68 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of M.J. Ruddy & Son in the amount of \$53,401.68 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 24th day of April,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-421**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR CONSTRUCTION  
OF SCENIC DRIVE - ROSE AVENUE INTERSECTION**

**WHEREAS, Resolution No. 78-301 , adopted by the Council of the  
City of Modesto on March 27, 1978 , approved the plans and speci-  
fications for the construction of Scenic Drive - Rove Avenue  
intersection**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of Scenic Drive -  
Rose Avenue intersection  
were opened at 11:10 a.m. on April 18, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of George Reed, Inc. in the amount of \$126,161,  
be accepted as the lowest responsible bid,**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of George Reed, Inc. in the amount of \$126,161,**

**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 24th day of April,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-422

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINE EXTENSION IN  
KANSAS AVENUE FROM FRANKLIN STREET TO BARIUM ROAD

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of waterline extension in  
Kansas Avenue from Franklin Street to Barium Road  
has been completed by Cornish Construction

in accordance with the contract agreement dated November 21, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterline  
extension in Kansas Avenue from Franklin Street to Barium Road  
be accepted from said contractor, Cornish Construction;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$26,567.65  
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  
April, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensing, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-423

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE OF ONE COMPOUND WATER METER FROM HERSEY PRODUCTS, INC. FOR THE PUBLIC WORKS WATER DIVISION

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one compound water meter is hereby waived.

BE IT FURTHER RESOLVED that purchase of one compound water meter from Hersey Products, Inc. for the total price of \$4,568.60 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-424

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING STANISLAUS PUMP TO RECONDITION AND UPGRADE TWO SLUDGE THICKENER RETURN PUMPS FOR THE PUBLIC WORKS WATER QUALITY CONTROL DIVISION

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for reconditioning and upgrading of two sludge thickener return pumps is hereby waived.

BE IT FURTHER RESOLVED that the reconditioning and upgrading of two sludge thickener return pumps by Stanislaus Pump at an estimated cost of \$5,200.80 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOMS: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-425

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE. P-D (182)

WHEREAS, a verified application for an amendment to Section  
30-3-9 of the Zoning Map was filed by Carpenter-Reno Group  
on February 17, 1978, to  
reclassify from Light Industrial Zone, M-1  
to Planned-Development Zone, P-D, the following described property:

All that portion of Section 30, Township 3 South, Range 9  
East M. D. B. & M., described as follows:

Parcels 3 and 4 as shown upon that certain parcel map filed  
June 8, 1976, in Volume 23 of Maps, page 18, Stanislaus County  
Records; being a portion of Lot 27 of Maze Colony.

Including also the easterly 50 feet of Carpenter Road immediately  
adjacent to said Parcel 4 and the westerly 30 feet of Reno Avenue  
immediately adjacent to said Parcel 3,

WHEREAS, after public hearing held on March 21, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The preponderance of uses in the proposed P-D Zone are already allowed in the existing M-1 zoning, but the proposed rezoning will allow a combination of land uses not anticipated in the Zoning Regulations.
2. The proposed P-D Zone, in adherence to the plot plan, will assure compatibility with the existing and potential residential developments to the east and west, respectively, as well as with the existing and potential industrial developments to the north and south.

WHEREAS, after a public hearing held on April 24, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Carpenter-Reno Group for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1723-C.S or the 24th day of April, 1978, reclassifying the above-described property from Light Industrial Zone, M-1, to Planned-Development Zone, P-D (182).

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 (182), is hereby approved in accordance with the plan titled "Carpenter-Reno Development, Site Plan--Site Information and Lease Space Commercial Building", as amended in red on its face, stamped approved by the Planning Commission on March 21, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the plans referred to above.
2. That prior to the issuance of a building permit for any development a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. The landscaping with irrigation system shall be installed and maintained in accordance with the approved landscaping and irrigation plan. Irrigation shall be by underground sprinkler system.
3. That all landscaping, fences, and walls shall be maintained and that the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto's sewer and water facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Section 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. That all drainage facilities shall be provided in accordance with the requirements of the Director of Public Works. The developer shall contain all surface drainage water on the site as required by the Director of Public Works.
6. That all trash shall be maintained in enclosed trash areas in locations approved by the Director of Planning and Community Development. Said trash enclosures shall be constructed six feet high of the same building materials used in the main building or of solid decorative masonry as determined by the Director of Planning and Community Development except that said enclosures shall have solid doors to be kept closed at all times.

7. That the applicant shall maintain 10-foot wide landscaped setbacks along both the Carpenter Road and Reno Avenue frontages as shown in red on the plans.
8. That prior to the issuance of a building permit the developer shall dedicate all public right-of-way and public utility easements as required by the utility companies serving the development and in accordance with the requirements of the Director of Public Works.
9. That the applicant shall comply with special concerns of the Fire Chief including posting 20-foot clear "Fire Lanes", buildings that meet specifications of the 1976 edition of the Uniform Fire Code relating to combustible storage, and gasoline dispensing devices that maintain fully extended hose nozzles to be in excess of 5 feet from any building opening.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (182) .

That the entire construction program be accomplished in one phase with construction to begin on or before June 1, 1980, and to be completed not later than June 1, 1981.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 ( 182 ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

(SEAL)

APPROVED AS TO FORM.

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION.

By Alban D. Smith  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-426

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CARPENTER-RENO GROUP)

WHEREAS, on April 24, 1978, the City Council adopted Ordinance No. 1723 - C. S. \_\_\_\_\_ giving approval to a project relating to an amendment to Section Map 30-3-9 of the Zoning Map to reclassify certain property from Light Industrial Zone, M-1, to Planned Development Zone, P-D (182)

\_\_\_\_\_, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 30-3-9 of the Zoning Map to reclassify certain property from Light Industrial Zone, M-1, to Planned Development Zone, P-D (182).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES· Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES· Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

Norrine Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM·

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-427

A RESOLUTION OVERRULING THE RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND SECTION 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, PROPERTY LOCATED ON THE NORTH SIDE OF WEST ROSEBURG AVENUE, EAST OF TULLY ROAD, AND DENYING THE APPLICATION FOR SAID REZONING. (LAND BANK FINANCIAL SERVICES)

WHEREAS, a verified application to amend Section 20-3-9 of the Zoning Map was filed by Land Bank Financial Services on February 14, 1978, to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the north side of West Roseburg Avenue, east of Tully Road described as follows:

All that real property situated in the State of California, County of Stanislaus described as follows:

The East 87.5 feet of the East 264.0 feet of the South half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian,

and

WHEREAS, said application was set for a public hearing before the Planning Commission at its regular meeting on March 21, 1978, in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, thereafter the Commission adopted Resolution No. 78-44 recommending to the Council an amendment to Section 20-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property, as requested by the applicant, and

WHEREAS, said matter was set for a 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, on April 24, 1978, at which time evidence both oral and documentary was taken and introduced, and

WHEREAS, the City Council certifies it has received and reviewed 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, and

WHEREAS, after said public hearing, the Council of the City of Modesto determined that the proposed rezoning from Single Family Residential Zone, R-1, to Medium Density Residential Zone, R-2, should be denied for the following reasons:

- (1) The subject property is a long and narrow parcel bordered on two sides by alleys which are used extensively by children going to and from nearby schools.
- (2) The size and shape of the subject property, if developed for R-2 density uses using the alleys for vehicular access, could create safety problems in said alleys.
- (3) Section 10-2.2103.1 of the Modesto Municipal Code places the burden of proof to make the showings set forth in said section on the applicant for a zone boundary change and neither the applicant nor representatives of the applicant appeared at the public hearing held by the City Council to consider the requested rezoning of the subject property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed rezoning, as recommended by the Planning Commission in its Resolution No. 78-44, to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, of the above described property, be denied for the reasons set forth above.

BE IT FURTHER RESOLVED that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the denial of an amendment to Section 20-3-9 of the Zoning Map of the City of Modesto to rezone certain property located thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William D. Smith*  
Department of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-428

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
CHARLES WRIGHT FOR RENEWAL OF FOOD CONCESSION AT BEARD BROOK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Charles Wright  
for renewal of food concession at Beard Brook Park for one year  
(5-1-78 through 4-30-79)  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
April, 1978, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Mensing, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-429

A RESOLUTION INITIATING PROCEEDINGS FOR THE PROPOSED  
ANNEXATION OF UNINHABITED TERRITORY DESCRIBED HEREIN AND  
DESIGNATED AS SCENIC-LAKEWOOD NO. 2

ANNEXATION  
TO THE CITY OF MODESTO, AND GIVING NOTICE OF TIME AND  
PLACE FOR HEARING PROTESTS THERETO.

BE IT RESOLVED by the Council of the City of Modesto:

1. That pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by the owners of territory in the County of Stanislaus requesting annexation to the City of Modesto of the Scenic-Lakewood No. 2 Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission determined that said territory is uninhabited and approved the initiation of proceedings for annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, a copy of which resolution is attached hereto as Exhibit A and made a part hereof by reference.

2. That the chief petitioners requesting said annexation as set forth in the application filed with the Commission are:

<u>Name</u>	<u>Address</u>
Charles Hughes	2905 Scenic Drive Modesto, Ca.
Robert Ford	2929 Scenic Drive Modesto, Ca.
Frank Fontana	3201 Wycliffe Drive Modesto, Ca.

3. That the territory which the petitioners request be annexed to the City of Modesto and which said City and its Council propose to annex, is situated in the County of Stanislaus, State of California, has been designated as \_\_\_\_\_

Scenic-Lakewood No. 2 Annexation to the City of Modesto

the exterior boundaries of which are set forth in the description attached hereto as Exhibit A and made a part hereof by reference.

4. That the reason or reasons for the proposed annexation as set forth in the proposal thereof submitted to the Commission are set forth in page 7 of the application which is attached hereto as Exhibit B and made a part hereof by reference.

5. That the terms and conditions of the proposed annexation contained in the Commission's resolution making determinations, if any, are set forth in said resolution, which is attached hereto as Exhibit C and made a part hereof by reference.

6. That no change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

BE IT FURTHER RESOLVED NOTICE IS HEREBY GIVEN that the 12th day of June, 19 78, at the hour of 7:30 o'clock P.M. of said day, in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto be and the same is hereby fixed as the time and place for considering said annexation, at which time and place any person owning real property within such territory and having any objections to the proposed annexation may appear before the Council of the City of Modesto and show cause why such territory should not be so annexed.

1. Any such protest must be in writing, must be filed with the City Clerk at any time before the conclusion of the hearing on the proposed annexation, and shall state the name or names of the owner or owners of property affected and the description and area of such property, in general terms.

2. The City Clerk shall cause a copy of this resolution to be published at least twice, but not oftener than once a week in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and shall also cause a copy of this resolution to be published in the Ceres Courier, being a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus. Said publications shall be completed at least twenty (20) days prior to the date set for the hearing.

3. The City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice;

(b) The chief petitioners, if any, as indicated in the petition initiating proceedings;

(c) To each affected city, county, and district; and

(d) To the executive office of the Local Agency Formation

Commission.

4. The City Clerk is directed to cause written notice to be given to such other persons as may be legally entitled thereto, in the manner required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

SCENIC-LAKEWOOD NO. 2

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of SCENIC-LAKEWOOD ADDITION (332), as per description filed May 30, 1975, as Instrument 46313, Stanislaus County Records;

1. thence along the existing City Limits along an Eastern line of said ADDITION (332), North  $00^{\circ} 44' 20''$  West, 576.59 feet;
2. thence continuing along the existing City Limits, North  $41^{\circ} 21' 40''$  East, 118.16 feet;
3. thence continuing along the existing City Limits, North  $68^{\circ} 39' 05''$  East, 402.10 feet;
4. thence leaving the existing City Limits, South  $00^{\circ} 44' 20''$  East, 385.57 feet;
5. thence North  $88^{\circ} 32' 40''$  East, 325.32 feet, to the East line of Section 23 and the center line of Lakewood Avenue;
6. thence along said Section line and center line, South  $00^{\circ} 44' 20''$  East, 324.25 feet, to the center line of 50.00 foot Scenic Drive;
7. thence along said center line, South  $78^{\circ} 01' 55''$  West, 601.90 feet;
8. thence South  $50^{\circ} 37' 08''$  West, 250.68 feet;
9. thence North  $50^{\circ} 05' 47''$  West, 25.51 feet;
10. thence North  $50^{\circ} 37' 08''$  East, 31.52 feet;
11. thence North  $00^{\circ} 44' 20''$  West, 137.39 feet, to the point of beginning, containing 10.490 Acres, more or less.

VIII. PROPONENTS' STATEMENT

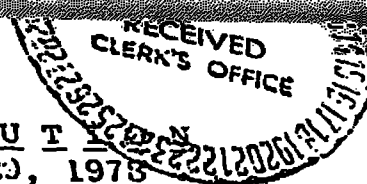
- A. State the reason(s) why the proponent(s) feel the annexation should be approved. (Note: this statement or a synopsis of it, will be included in the written report which is submitted to LAFCO.)

none

IN RE:

SCENIC-LAKEWOOD NO. 2 ANNEXATION TO  
THE CITY OF MODESTO

R E S O L U T I O N  
March 23, 1978



WHEREAS, at the time and place previously fixed for a public hearing on the proposed Scenic-Lakewood No. 2 Addition to the City of Modesto, said public hearing was held; and

WHEREAS, notice of said public hearing was given as required by Section 35055 of the Government Code of the State of California and the affidavit of Lloyd R. Brouillard to this effect is on file; and

WHEREAS, this Commission has heard all parties requesting to be heard on this matter and has given consideration to all factors required by Section 35150 of the Government Code of the State of California.

NOW, THEREFORE, this Commission finds and determines that

- a) the said proposal will not have a significant effect on the environment;
- b) the area involved in the proposal is committed to urbanization and should be located within the City of Modesto where proper urban services are available;
- c) the approval of the proposal would be consistent with all applicable general plans;
- d) the territory is uninhabited.

BE IT RESOLVED that

- a) a negative declaration is ordered filed;

- b) the proposal is designated as the Scenic Lakewood Annexation to the City of Modesto;
- c) the proposal is approved subject to deletion of the Adams, Lueth, and Coutrakis properties;
- d) the City of Modesto is instructed to initiate annexation proceedings on the proposal, it being the conducting authority.

Upon motion by Commissioner Condit, seconded by Commissioner Ulm, the foregoing resolution was duly passed and adopted at a regular meeting of the Stanislaus County Local Agency Formation Commission this 29th day of March, 1978, by the following called vote:

AYES: Commissioners: Condit, Ulm, Draper, and Garcia.

NOES: Commissioners: None

ABSENT: Commissioners; Alternate Rootlieb.

ABSTAINING OR DISQUALIFIED: Commissioners: Arakelian and Chairperson Siefkin.

ATTEST: George Gaekle  
Executive Officer

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

APR 7 - 1978  
STEVE R. NELSON

County Clerk and Recording Clerk of the Board of Supervisors of the County of Stanislaus, California

*[Signature]*

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-430

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PAUL M. ZAGARIS FOR THE PURCHASE OF 0.003+ ACRES OF RIGHT OF WAY NEEDED FOR THE OAKDALE/SCENIC TO BRIGGSMORE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Paul M. Zagaris for the purchase of 0.003+ acres of right of way needed for the Oakdale/Scenic to Briggsmore project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers None

ABSENT: Councilmembers Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-431

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND WENDELL L. AND ANNA C. YOUNG FOR THE PURCHASE OF 0.09+ ACRES OF RIGHT OF WAY NEEDED FOR STANDIFORD/TULLY TO McHENRY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Wendell L. Young for the purchase of 0.09+ acres of right of way needed for Standiford/Tully to McHenry project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-432

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DENNIS SIMMS FOR LEASE OF FORMER SIMMS HOUSE, 645 NORTH McCLURE ROAD, PART OF PROPOSED DRY CREEK PARK**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Dennis Simms for the lease of former Simms House, 645 North McClure Road, part of proposed 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 24th day of April, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-433

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND THE GREAT VALLEY TRAVEL CLUB, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
amended  
that the /agreement between the City of Modesto and the Great Valley Travel Club, Inc. to provide a 90-day extension for the construction of an aircraft parking apron and vehicle parking facilities. In addition, the amendment reduces the written advance notice requirement from 45 days to 30 days concerning Workers Compensation insurance.  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said/<sup>amended</sup>agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of April, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-434

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND LOUIS E. TARTINI, LATRELLE UHL, ROBERT N. TURNER AND JOSEPH H. CARTWRIGHT FOR THE PURCHASE OF 0.17+ ACRES OF RIGHT OF WAY REQUIRED FOR THE ORANGEBURG-COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Louis E. Tartini LaTrelle Uhl, Robert N. Turner and Joseph H. Cartwright for the purchase of 0.17+ acres of right of way required for the Orangeburg-Collier to Coffee project is hereby approved.

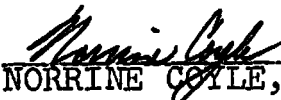
BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Mensinger , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-435

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE PROPERTIES FOR DRY CREEK PARK (Arnold C. Dickens)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that May 15, 1978, 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 a Resolution of Necessity to acquire properties for Dry Creek Park (Arnold C. Dickens et ux)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-435a

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE PROPERTIES FOR DRY CREEK PARK (Pacific States Growth)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that May 15, 1978, 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 a Resolution of Necessity to acquire properties for Dry Creek Park (Pacific States Growth)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-436**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING FOR AN APPEAL  
TO A PLANNING COMMISSION DECISION REGARDING REZONING (Larry Ward)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that May 22, 1978, at 7:55 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Larry P. Ward to a Planning Commission decision regarding rezoning of property at the corner of Carver and Sheldon Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-437

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING LIQUID ANHYDROUS AMMONIA

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing Liquid Anhydrous Ammonia

copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 16, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-438

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN "K" STREET AT 7TH STREET AND SUNRISE NO. 2

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of waterlines in "K" Street at 7th Street and Sunrise No. 2, copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 16, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-439

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR CONSTRUCTION OF SITE IMPROVEMENTS AT PUMP STATION 14 ON VIRGINIA AVENUE, AND OPENED IN THE OFFICE OF THE CITY CLERK ON MARCH 28, 1978 AT 11:05 A.M., AND AUTHORIZING NEW CALL FOR BIDS

WHEREAS, Resolution No. 78-262, adopted by the Council of the City of Modesto on March 13th, 1978, approved the plans and specifications for construction of site improvements at Pump Station No. 14, and authorized the call for bids; and

WHEREAS, the bids received for the construction of site improvements at Pump Station No. 14 on Virginia Avenue were opened at 11:05 a.m. on March 28, 1978, and later tabulated by the Director of Public Works for the consideration of the Council; and

WHEREAS, the low bid of \$54,000, submitted by Bill Mineni, is above the staff estimate of \$41,000; and

WHEREAS, the Director of Public Works recommends that all bids be rejected and that revised plans and specifications and call for bids be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the construction of site improvements at Pump Station No. 14 on Virginia Avenue, and opened in the office of the City Clerk on March 28, 1978 at 11:05 a.m. are hereby rejected.

BE IT FURTHER RESOLVED that a new call for bids for construction of site improvements at Pump Station No. 14 on Virginia Avenue to be opened May 16, 1978 at 11:10 a.m. is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1956, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYE: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NO: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-440

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE  
OF ONE FRONT-END LOADER FROM EDWARD R. BACON

BE IT RESOLVED by the Council of the City of Modesto that formal  
bid procedure for the purchase of a front-end loader for the Public  
Works Service Division is hereby waived.

BE IT FURTHER RESOLVED that the purchase of one front-end loader  
from Edward R. Bacon at an estimated cost of \$24,620.94 is hereby  
approved.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 1st day of May,  
1978, by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Kullijian, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Niefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-441**

**A RESOLUTION ACCEPTING THE BID OF FERRERO ELECTRIC, INC. FOR MODIFICATION OF TRAFFIC SIGNALS ON BRIGGSMORE AT COLLEGE AND AT TULLY**

**WHEREAS, Resolution No. 78-278 , adopted by the Council of the City of Modesto on March 20, 1978 , approved the plans and specifications for the modification of traffic signals on Briggsmore at College and at Tully Road and authorized the calling for bids, and**

**WHEREAS, the bids received for the modification of traffic signals on Briggsmore at College and at Tully Road were opened at 2:00 p.m. on April 18, 1978 and later tabulated by the Director of Parking & Traffic for the consideration of the Council, and**

**WHEREAS, the Director of Parking & Traffic has recommended that the bid of Ferrero Electric, Inc. in the amount of \$15,282 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Ferrero Electric, Inc. in the amount of \$15,282 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 1st day of May,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-442**

**A RESOLUTION ACCEPTING THE BID OF BEST CHEVROLET FOR ONE LIGHT UTILITY  
PICKUP TRUCK**

**WHEREAS, Resolution No. 78-320 , adopted by the Council of the  
City of Modesto on April 3, 1978 , approved the plans and speci-  
fications for the light utility pickup truck**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the light utility pickup truck  
were opened at 2:15 p.m. on April 18, 1978 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 Best Chevrolet in the amount of \$4,847.92**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Best Chevrolet in the amount of \$4,847.92**

**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 1st day of May,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-443

A RESOLUTION AMENDING SECTION 5 OF THE STANDARD SPECIFICATIONS OF THE CITY OF MODESTO DATED 1975 TO REVISE THE WATER STANDARDS.

WHEREAS, the City Engineer of the City of Modesto has recommended to the City Council that Section 5 entitled "Water" of the "Standard Specifications of the City of Modesto" dated 1975, be amended, and

WHEREAS, the Council of the City of Modesto desires to amend Section 5 entitled "Water" of the "Standard Specifications of the City of Modesto" dated 1975, copies of which are on file in the offices of the City Clerk, Planning Commission and City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 5 entitled "Water" of the "Standard Specifications of the City of Modesto" dated 1975, copies of which are on file in the offices of the City Clerk, Planning Commission and City Engineer, be amended to read 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 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the

resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *E. L. Johnson*  
ELWYN L. JOHNSON, City Attorney

5.1 General Water mains and services shall be installed by a Developer holding the appropriate license for such work under the provisions of the State of California Business and Professions Code.

5.2 Design For single family residential areas, all water mains shall be sized to provide 1000 gallons per minute fire flow from each of two (2) adjacent fire hydrants flowing simultaneously with twenty (20) pounds per square inch residual pressure.

This fire flow can generally be obtained using the following design standards:

- 1/2 mile looped grid - 10" mains or larger
- 1/4 mile looped grid - 8" mains
- Dead end mains with a fire hydrant - 8" mains
- Distribution system, looped - 6" mains

For areas other than single family residential, the Director of Public Works shall determine the fire flow requirements. For making such determination the Director of Public Works shall take into account the area land use zone, the Insurance Services Office Standards, and any unique conditions of the area or development.

All water services shall be minimum 1" nominal diameter. Larger sizes shall be installed, as required, to provide adequate service to larger lots and/or higher water uses.

5.3 Standard Locations and Spacings

Water mains: Ten feet from center line.

Main Valves: Four feet from property line with butterfly operator toward nearest property line. Main valves shall be located so that any section of the water system can be controlled by operating a maximum of three (3) valves. In addition, valves shall be spaced so that a maximum of 1,000 feet of water main is controlled by the valves.

Fire Hydrants: At ends of curb returns or at lot lines. The preferred fire hydrant location is at curb returns.

The maximum distance between hydrants shall be:

- R-1 & R-2 Residential Zones - 500'
- All Other Zones - 300'

In addition, fire hydrants shall be spaced so that primary property improvements can be reached with a 250' maximum fire hose lay.

Hydrant Valves: Four feet from curb lines with butterfly operator toward right side facing hydrant.

#### 5.4 Pipe

##### (a) Asbestos Cement Pipe

Asbestos cement pressure pipe, asbestos cement coupling sleeves, and rubber rings shall all be Class 150 and used for water mains. The pipe shall be installed to the lines and grades as shown on the approved plans. The asbestos cement pipe and sleeves shall be in conformance with the latest Standard A.W.W.A. Specification C-400, Type 2 with full inside diameter on 10" and 12" pipe. The rubber rings shall meet A.S.T.M. Specifications D 1869.

Each length of pipe shall be hydrostatically and flexurally tested in the State of California in accordance with Standard A.W.W.A. Specification C-400. A certificate showing that the pipe has passed these tests shall be delivered to the Engineer prior to the installation of the pipe.

Jointing of asbestos cement pipe shall be by approved couplings or special fittings and shall be made in strict accordance with the recommendations of the manufacturer. Coupling sleeves and pipe shall be by the same manufacturer.

Assembled joints shall have couplings centered over the pipe ends and with the pipe ends within the couplings separated one-quarter inch (1/4") to allow for expansion. Rubber rings for the full circumference of the pipe shall be located a distance from the coupling ends as recommended by the manufacturer of the couplings. If the distance does not fall within the required limits, the coupling shall be disassembled and reassembled in an acceptable manner.

(b) Cast Iron Pipe

Cast Iron Pipe shall be used for all fire hydrant piping, water service piping for 4" and larger installations, and elsewhere as required by California State Health Department Standards. Cast iron pipe shall be installed to the lines and grades as shown on the approved plans. Cast iron pipe shall be Class 150 conforming to the requirements of Federal Specification WW-P-421a, excepting that the thickness of the pipe barrel, subject to Standard Specification tolerances, shall be based on the "Manual for the Computation of Strength and Thickness of Cast Iron Pipe," A.S.A. Specification A21.1 (A.W.W.A. C101) for pipe with bursting strength of 21,000 psi and modulus of rupture of 45,000 psi.

Cast iron pipe shall be furnished with "Tyton Joints", or equal, and shall be coated outside, and shall be lined inside with a seal coated cement lining of half thickness in accordance with Federal Specification WW-P-421a.

Joint compound and rubber packing rings shall be installed in strict accordance with the manufacturer's recommendations. Defective joints shall be completely cut out and replaced.

(c) Ductile Iron Pipe

Ductile iron pipe with a thickness Class 2 may be substituted for cast iron pipe Class 150. Ductile iron pipe shall conform to the American National Standard A21-51-1976 (AWWA C151-1976).

Ductile iron pipe shall have "Tyton Joints" or approved equal and shall be cement lined in conformance with latest AWWA Specification C-104.

5.5 Fittings Bends, tees and other fittings shall be cast iron, Class 150, for use with asbestos cement pipe and cast iron pipe. Fittings shall be manufactured by Olympic Foundry, Phoenix Iron Works, or approved equal.

Fittings shall be handled and jointed as specified for pipe installation herein before. Reaction or thrust blocking shall be constructed at bends, tees, dead ends and where changes in pipe diameter occur. Blocking shall be made of

class B concrete, and shall be placed between undisturbed ground and the fitting to be anchored. The area of bearing on the pipe and on the ground shall be that required by city Standard Drawing 5-L. The blocking shall be placed so that the joints of the pipe and fittings will be accessible for repair.

A 39" milled each end (M.E.E.) or milled over all (M.O.A.) make up piece shall be installed at all ends of bends, tees, and fittings, in conjunction with the installation of asbestos cement pipe.

5.6 Valves and Valve Boxes Valves and valve boxes shall be installed at the locations shown on the plans.

All valves shall be Dresser "450" butterfly or approved equal. Valves shall be the rubber seated tight-closing type conforming to the latest AWWA Specifications C-504. Valves shall open left and be equipped with a 2" AWWA operating nut.

Valve ends shall be for asbestos cement pipe.

A milled each end (M.E.E.) or a milled over all (M.O.A.) piece, 39" in length, shall be installed on both sides of all valves in conjunction with the installation of asbestos cement pipe.

Valve boxes shall be Brooks 4TT with Brooks Cast Iron cover and extensions, or approved equal. All valve boxes shall be installed to finished grade as per City Standard Drawing 5-D.

#### 5.7 Water Service Materials

##### (a) General

Each individual property shall have a separate water service complete from the water main to the property. The minimum size water service is one inch (1").

Normally, single family residential properties can be adequately served by a 1" water service. For properties other than single family residential, and for non-typical single family residential, the Director of Public Works shall determine the water service size. For making

the anticipated water use, water pressure requirements, and property size.

Plastic pipe shall be used for all 1" water services.

Galvanized steel pipe shall be used for all 1-1/2" or 2" water services.

Cast iron or ductile iron pipe shall be used for all water services larger than 2".

If abnormal or unusual conditions occur, the Director of Public Works may vary the pipe materials.

(b) 1" Water Service With Meter Box

All 1" water services, including meter boxes, shall be installed in accordance with City of Modesto, Standard Drawing 5-P. The following materials shall be used:

1) Plastic Pipe

All plastic pipe shall be ultra high molecular weight polyethylene flexible pipe; Class 160 psi; PE 3406 for potable water; one inch iron pipe size (I.P.S.); outside diameter from 1.310" to 1.370" per latest A.W.W.A. Specification C901.

Manufacturer shall be:

YARDLEY - 02223  
DRISCOPIPE - 5100  
ORANGEBURG - SP

(2) Curb Stop, Meter Box, and Related Materials

The curb stop shall be a 1" ball angle valve Ford BA 13444 as distributed by Pipeline Products, 1206 N. Effie, Fresno CA 93712.

Meter Adaptor; 1" Meter coupling, Ford SP3 or equal

Meter idler; Schedule 80 PVC 10-3/4" x 1-1/4" threaded

Meter box; Brooks #37 box 12" x 20" with 37H cover/  
cast iron hinged lid

Christy #B12 12" x 20" with G20 cover/cast  
iron hinged lid

For vehicular traffic areas, a Brooks or Christy traffic cover shall be provided.

(3) Water Main Taps

The asbestos cement water mains shall be topped with a Dresser Manufacturing Company "Quiktap" or equal.

6" x 1" Dresser 193/0033

8" x 1" Dresser 193/0045

10" x 1" Dresser 193/0057

5.8 Materials to be Furnished and Installed by Developer The

Developer shall furnish and install all materials necessary to complete the work as specified with exception to those items listed in Section 5.9

5.9 Materials to be Furnished and Installed by City

(a) Tapping sleeves and valves

(b) Connections to existing systems

5.10 Staking of Water Mains and Services The water lines and services

shall be staked by Developer on projects installed by Developer and by Engineer on projects installed by City.

5.11 Excavation The Developer shall perform all excavations necessary or required to construct all pipelines and structures. Excavation shall include the removal and disposal of all materials of whatever nature encountered. Trenches shall be excavated in open cut, following neat parallel lines equi-distant from the center line, which line shall be staked as set forth in Section 5.10. No tunneling or jacking will be permitted without written permission from the Engineer. Trenches shall be sufficient width to provide clearance beside the pipe for bracing and support and working space.

Care shall be taken to preserve all surface and subsurface facilities in the work area.

The trench shall be excavated to a minimum of two inches (2") below the grade of the bottom of the pipe and two inches (2") below the couplings of bells. If any of the trench bottom is in material too hard to permit proper bedding of the pipe, excavation must be carried to a depth at least four inches (4") below the grade of the bottom of the pipe, and this

over-excavation shall then be brought to grade with approved material compacted in place. Should the trench bottom at any location be of material which will not afford sufficient sound foundation, it shall be excavated to a depth not greater than two feet (2') below grade as directed by the Engineer and refilled to grade with approved materials compacted in place.

Excess and/or rejected material shall be disposed of by the Developer.

5.12 Maintaining Traffic and Access Roads The Developer shall so conduct the work as to permit passage of traffic at all times. When trenching is necessary across intersecting streets, the work shall be done in such manner as to maintain traffic on the cross street at all times. Where the trench line crosses an entrance to private property, access to the property shall be maintained at all times by means of a suitable bridge until the trench may be backfilled. Such bridges shall be properly guarded and illuminated at night. Where any crosswalk is cut by the trench, suitable bridging shall be constructed. Such bridging shall be at least four feet (4') in width, shall have suitable handrailing and shall be adequately guarded and lighted.

5.13 Shoring, Bracing and Sheeting The Developer shall furnish, install and maintain such shoring, bracing and sheeting as required to conform to the rules of the California Industrial Accident Commission to support sides of the trench and prevent movement which could cause injury to any person or structure. Any damage resulting from a lack of adequate shoring, bracing or sheeting shall be repaired at the Contractor's expense.

The Developer shall comply with the requirements of Division 5, Part I of the State Labor Code and specifically with Sections 6705 and 6707 thereof. The Developer shall submit to Engineer for approval a detailed plan showing the design of shoring, bracing, sloping, or other provisions to be made for worker protection for all areas to be excavated to a depth of five feet or more. If the plan varies from the shoring system standards, the plan shall be prepared by a Registered Civil or Structural Engineer.

When the pipeline has been installed and sufficiently backfilled to protect the pipe, all shoring, bracing and sheeting shall be removed. All voids left by the removal of such bracing shall be carefully filled with suitable material compacted in place.

5.14 Disposal of Seepage, Storm Water, or Surface Water The Developer shall remove any seepage, storm water, or surface water that may be found or may accumulate in the excavation during the progress of the work. He shall furnish all pumps and other equipment necessary therefor and shall keep all the excavation entirely free from water at all times during the construction of the work. When pipe laying is in progress, the open ends of the pipe shall be closed by approved means to prevent entrance of water or dirt into the line. Whenever water is excluded from the pipe, adequate backfill shall be deposited on the pipe to prevent floating. Any pipe which has floated shall be removed from the trench and relaid as directed by the Engineer.

5.15 Preparation of Trench and Laying of Pipe All pipe for water mains shall be laid to line and grade as shown on the approved plans and at such depths as to provide forty-two inches (42") minimum cover from the top of the pipe to ultimate finish street grade. The Developer shall be responsible for verifying ultimate finish grade by requesting this information from the Engineer.

When waterlines are being installed in new subdivision, mainline pipe and the fire hydrant runs shall be installed prior to the installation of curb, gutter, and sidewalk. The services shall be installed after the curb, gutter, and sidewalk. Pipe shall be laid on earth mounds and held in correct alignment by securing with earth carefully tamped under and on each side of the pipe at mound locations. Earth mounds shall be of selected, damp backfill material tamped in place. Earth mounds shall vary in size with the diameter and the nature of the backfill material and shall conform to

dimensions supplied by the Engineer. Each pipe shall be laid on two (2) mounds with the center of the mound placed one-fifth (1/5) of the pipe length from each end.

The earth mounds shall be tamped firmly in place and carried to a height which will allow for placement of the pipe so as to maintain, prior to back-filling, a minimum clearance of two inches (2") between the trench bottom and the pipe.

5.16 Handling of Pipe and Accessories Proper implements, tools, and facilities satisfactory to the Engineer shall be provided and used by the Developer for the safe and efficient execution of the work. All pipe, fittings, valves, hydrants and accessories shall be lowered into the trench in such manner as to prevent damage to pipe fittings. Under no circumstance shall pipe or accessories be dropped or dumped into the trench. All foreign matter or dirt shall be removed from the interior of pipe before lowering into position in the trench. Pipe shall be kept clean by means approved by the Engineer during and after laying. All pipe and accessories shall be inspected for defects prior to lowering into trench. Any defective, damaged or unsound pipe or accessory shall be repaired or replaced at the Developers' expense.

5.17 Service Installation The services shall be installed as per Standard Drawing 5-P.

Installation of the services to begin a minimum of one week after the completion of the curb, gutter, and sidewalk, and shall consist of the following basic steps:

- (a) Excavation of the entire service trench.
- (b) Thoroughly clean the water main.
- (c) Place and make tap as shown on the Standard Drawing.
- (d) Open tap valve immediately after making tap to flush material from the main line.
- (e) Insert stainless steel sleeves in the plastic pipe and tighten service line connections as per manufacturer's recommendation.

- (f) Place service line at right angles to the water main.
- (g) Use boring or pushing methods, but not washing methods, to place pipe under curb and sidewalk.
- (h) Backfill and compact the dirt above the service line. This trench shall not be compacted by flooding.
- (i) Curb to be marked by chiselling an "X" on curb face.
- (j) Curb stop, stainless steel insert, meter idler, meter adaptor, meter box with a brick at each corner, and lid to be placed at correct depth and distance from sidewalk.

Plastic service pipe shall not be heat-flared. Because of the variation in the outside diameter of the pipe, a saddle tap in lieu of the Quiktap may be required.

Special care shall be exercised to insure proper compaction is made under curb stop so it is vertical and the meter idler is level. Compaction shall be made under and around the meter box so it remains level and at the finished sidewalk grade.

5.18 Fire Hydrants Fire hydrants shall be installed at the locations shown on the plans in conformance with City Standard Drawing Nos. 5-H and 5-F.

Fire hydrants shall be Rich Model 75 or approved equal and shall conform to the latest AWWA Specifications, C-503, for wet-barrel fire hydrants.

5.19 Temporary and Permanent Blow-Offs Temporary and permanent blow-offs shall be installed at the locations shown on the plans in conformance with City Standard Drawing No. 5-J.

All salvaged temporary blow-offs shall become the property of the Developer and shall be removed from the job site before completion.

5.20 Connections with Existing Waterlines The Developer shall make all excavations for connections to existing waterlines.

The Developer shall furnish, install and maintain such shoring, bracing and sheeting necessary for these connections as set forth in Section 5.8.

connections shall be made at such times as designated by the Engineer and in such manner as to insure the least inconvenience to water users. No connection shall be made until the new work has been tested and disinfected as specified hereinafter. The Developer shall be responsible for safeguarding the existing system from all damage and possible contamination in the performance of his work.

The City shall furnish the pipe and materials necessary to make the tie-in with the existing system.

5.21 Hydrostatic Test After installing pipe and prior to completely backfilling of trenches the entire length of each line shall be subjected to a hydrostatic pressure of not less than one hundred fifty pounds per square inch (150 psi) for a period of not less than one hour. No pipe installation will be accepted if leakage for the section tested exceeds a rate in gallons per hour per thousand feet (gph/1000 feet) of 0.25 multiplied by the pipe diameter in inches (0.25 x diameter in inches.).

The Developer shall perform the test prior to connecting to the existing system. The Developer shall furnish and install temporary caps, thrust blocks and other necessary materials needed to hold pressures on sections of line being tested.

Water for testing may be taken from the nearest blow-off, fire hydrant or other approved source. All pipe, fittings, valves, couplings, and other materials needed to fill the test lines with water shall be supplied and installed by the Developer. Care shall be taken not to contaminate the existing system.

The pump, gage, pipe connection, and all necessary apparatus and equipment needed for the test shall be supplied by the Developer.

The Developer shall permanently stop all leaks. All pipe or joints which prove defective shall be replaced and the lines on which such defect or defects occur shall be tested again to determine final acceptability of the installation.

5.22 Disinfecting Water Mains Disinfection shall be accomplished by the following or other procedure satisfactory to the Engineer. Calcium hypochlorite disinfecting compound or pellet form may be introduced into the pipe while laying. Sufficient amount shall be placed so as to obtain approximately 50 parts per million of chlorine in all parts of the line when line is filled with water.

Valves and hydrants shall be opened and closed while the system is being disinfected. Treated water shall be retained at least twenty-four (24) hours after which time it shall be tested for residual chlorine. If less than five parts per million is indicated, additional chlorine in solution shall be added until disinfection satisfactory to the Engineer is obtained. When disinfection has been completed and approved by the Engineer, the system shall be flushed and filled with clear water.

The Engineer reserves the right to test the water after refilling the line and if not found to be of safe bacteriological quality, he may require the Developer to rechlorinate the line until the quality of the water is proven to be satisfactory.

5.23 Backfilling at Existing Irrigation Lines Whenever it is necessary to cross an existing irrigation pipe, the backfill shall be made by use of a pneumatic tamper. The entire area under the irrigation pipe, two feet (2') on either side and six inches (6") on top of the pipe shall be tamped to 95% relative compaction.

5.24 Backfilling of Trench Prior to the pressure test on the pipe, the trench shall be backfilled in the following manner. Selected backfill material shall be placed between pipe joints to a minimum depth of twelve inches (12") over the top of eight inch (8") and smaller pipe, and twenty-four inches (24") over larger pipe. The pipe joints shall remain exposed until completion of the pressure test. On completion of the pressure test, taking particular care to properly bed the entire length

... pipe, the remaining portion of the trench shall be backfilled and compacted as shown on City Standard Detail No. 5-X. Tests for compaction shall be made in accordance with N-Cal-Test Method 216. All backfill material shall be free of objectionable matter, such as vegetation, large clods and asphaltic paving material. Compacting by jetting methods is not permitted.

The Developer shall take proper precautions to prevent floating of the pipe when flooding is used for compacting the trench and the Developer or City Contractor shall be responsible for damage resulting therefrom.

5.25 Restoring Surface The surface of all trenches shall be filled and compacted so that the surfaces will conform to the condition of the surrounding ground. The repaving requirements of the plans shall be met regardless of type of existing surfacing.

Existing pavement shall be cut in neat parallel lines as shown on City Standard Drawing No. 5-X.

Aggregate base shall be Class II compacted to 95% relative compaction. Aggregate base shall have 3/4" maximum combined grading.

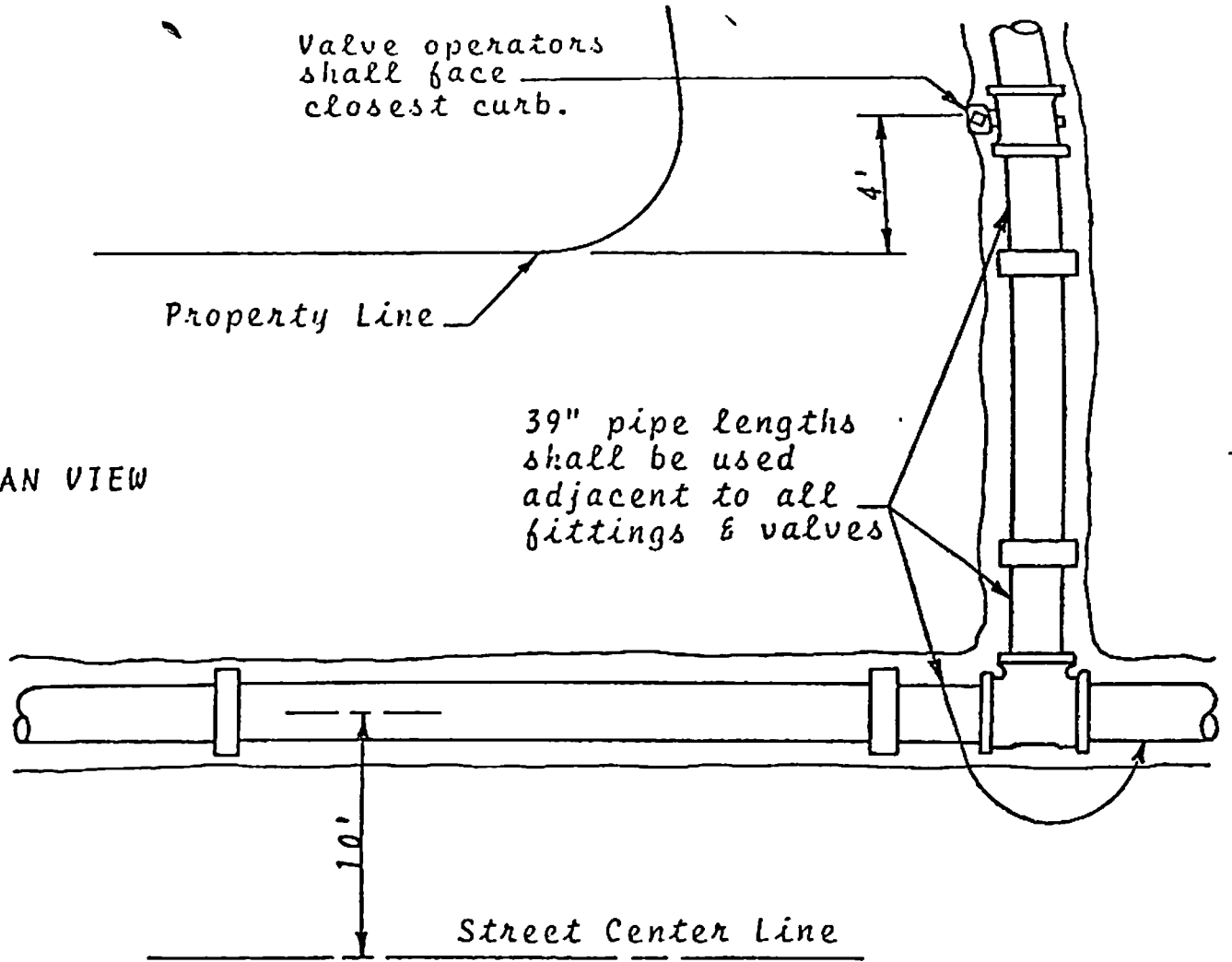
Asphalt concrete shall be Type B, AR 4000 with 1/2" maximum aggregate, medium grading.

A paint binder of asphaltic emulsion shall be applied to all surfaces in conformance with Section 39-4 of the Standard Specifications.

5.26 Temporary Pavement A two-inch thick temporary cutback pavement shall be installed and removed as directed by the Engineer.

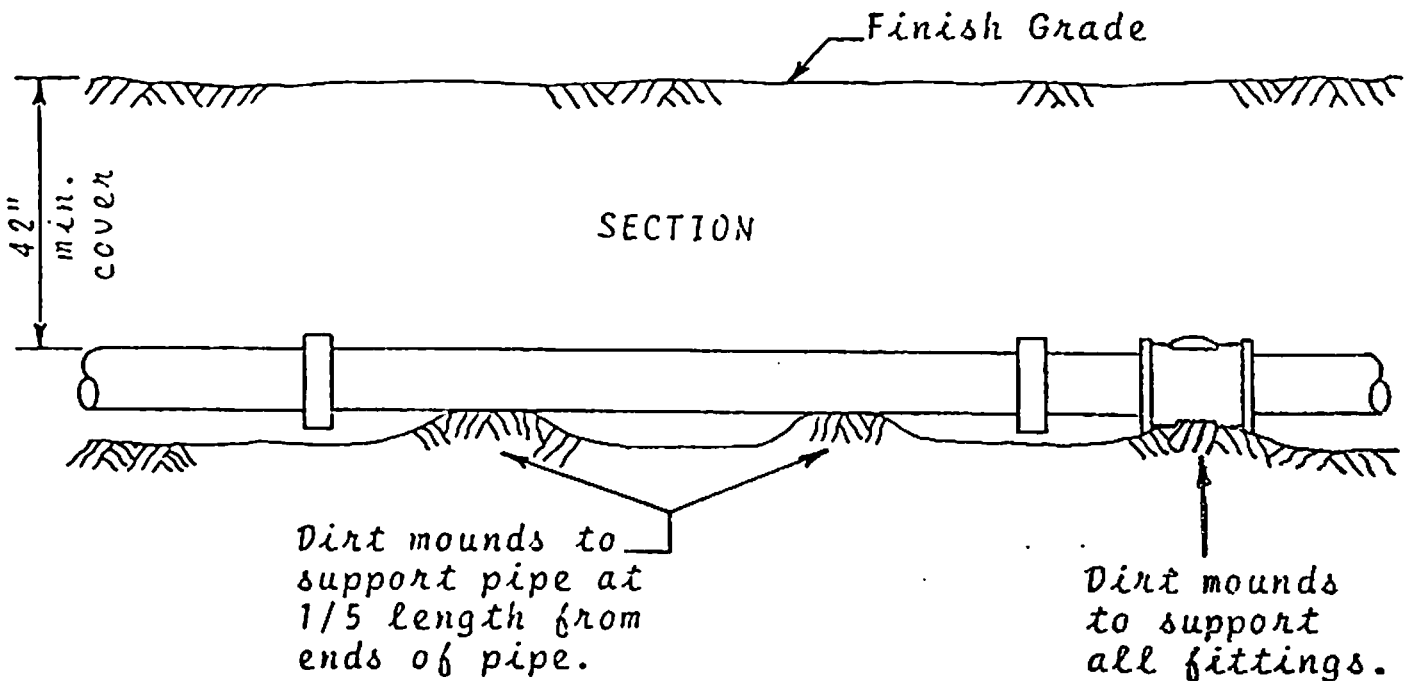
5.27 Final Adjustment to Valve Covers In accordance with Modesto City Council Resolution No. 72-860, water valve covers within new subdivisions shall be adjusted to final grade by the Developer after the pavement surfacing work has been completed. The adjustment shall be in accordance with Standard Drawing No. 5-D.

PLAN VIEW



NOTE:

1. Water line to be located 10' minimum from sewer line.



RECOMMENDED BY *J. H. Butler*

APPROVED 10-24-75

*Andrew R. Campbell*

DIRECTOR OF PUBLIC WORKS RE 10696

Water

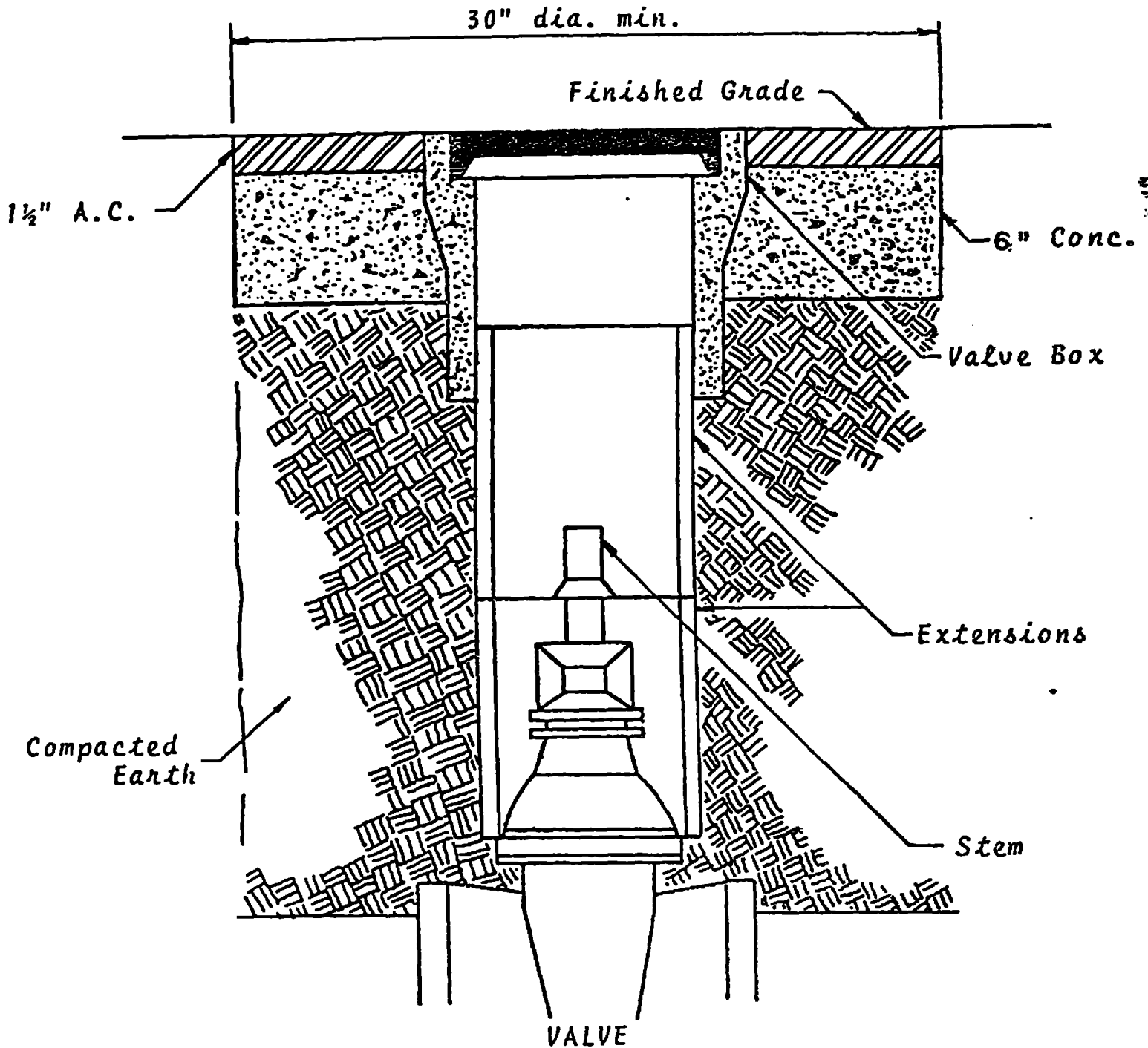
TYPICAL WATER MAIN LAYOUT

CITY OF MODESTO  
DEPARTMENT OF PUBLIC WORKS

DRAWN BY BS

DATE 2-75

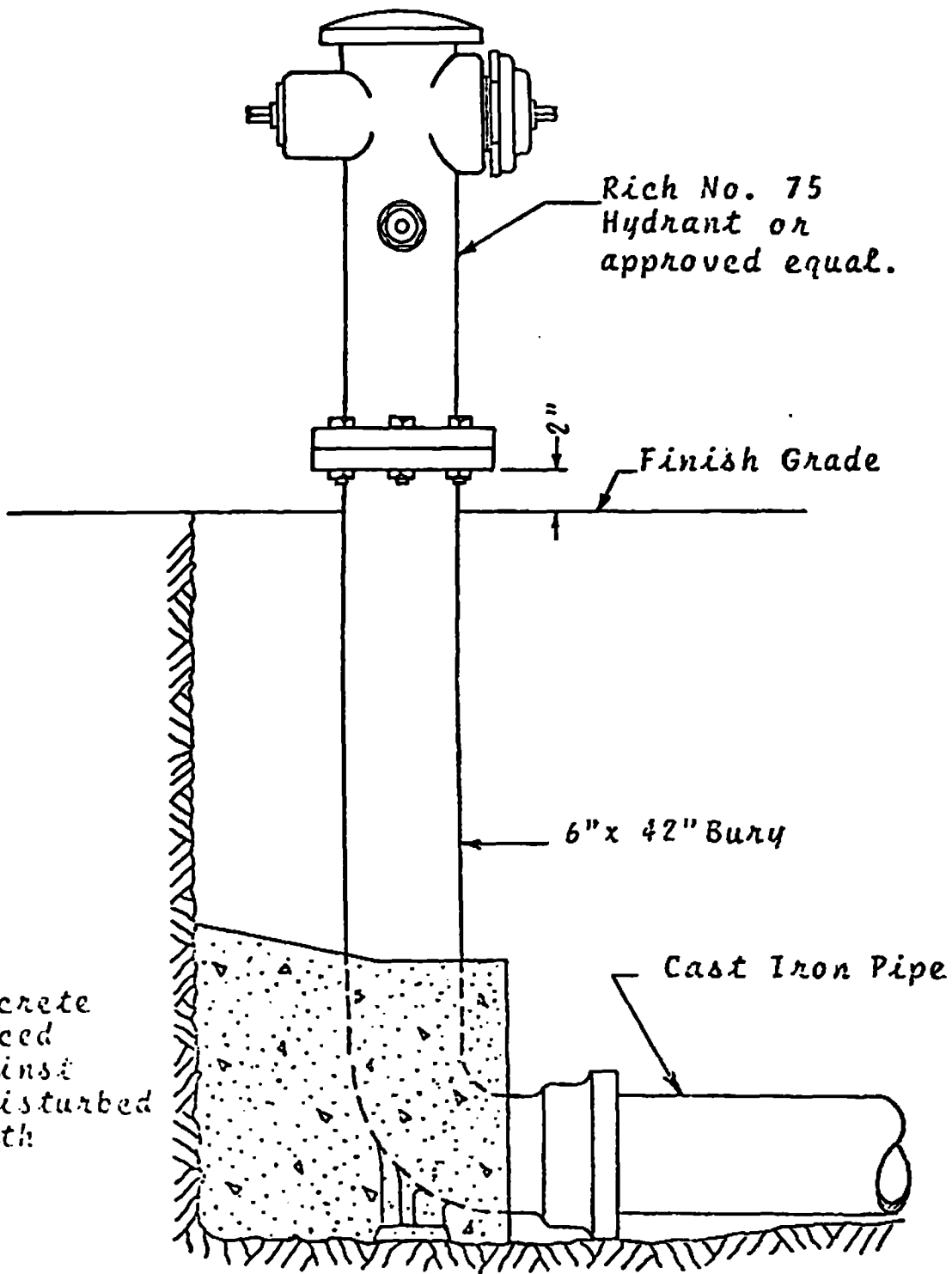
DRAWING NO.  
5-B



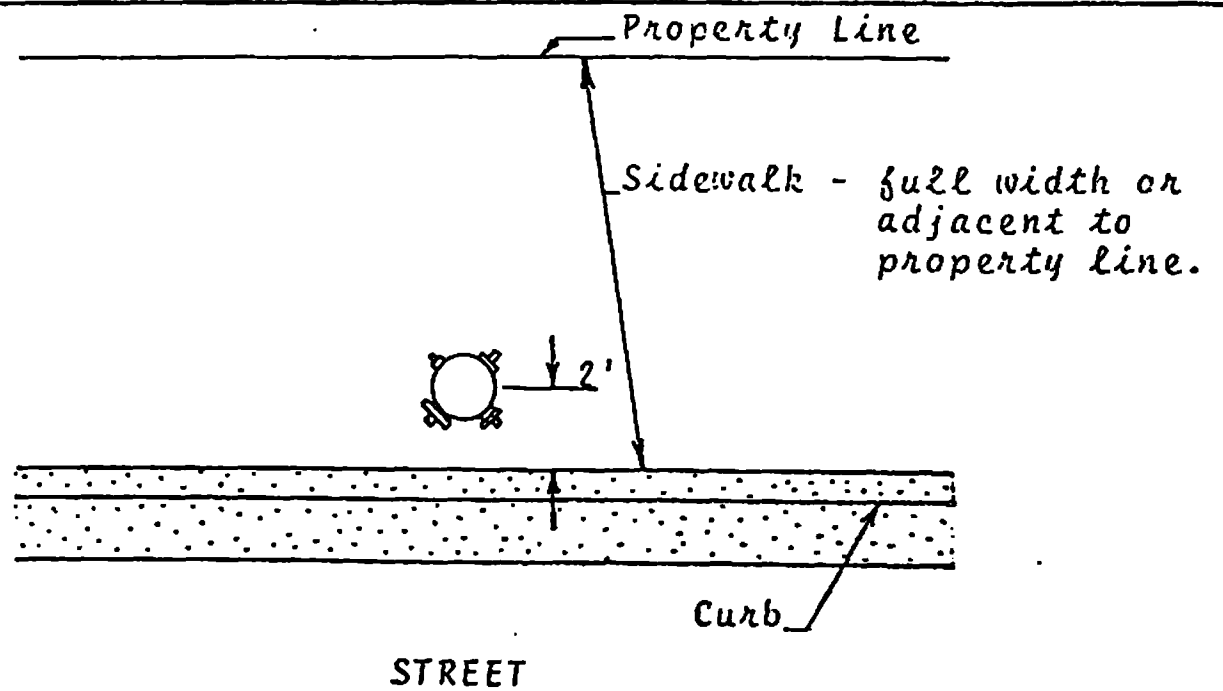
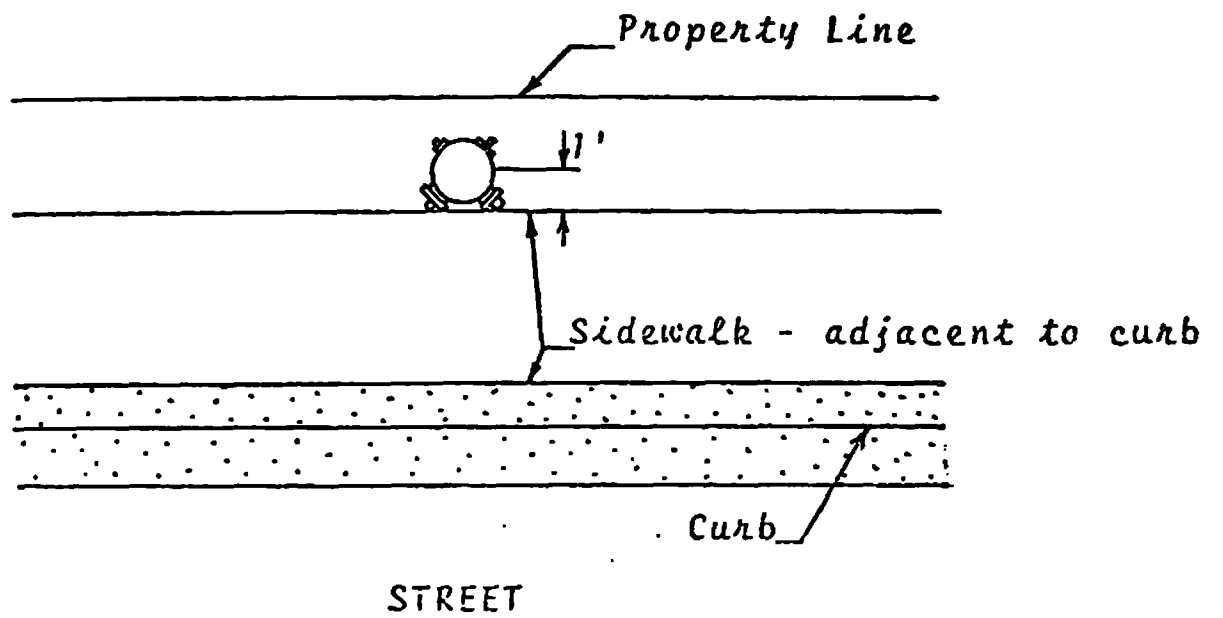
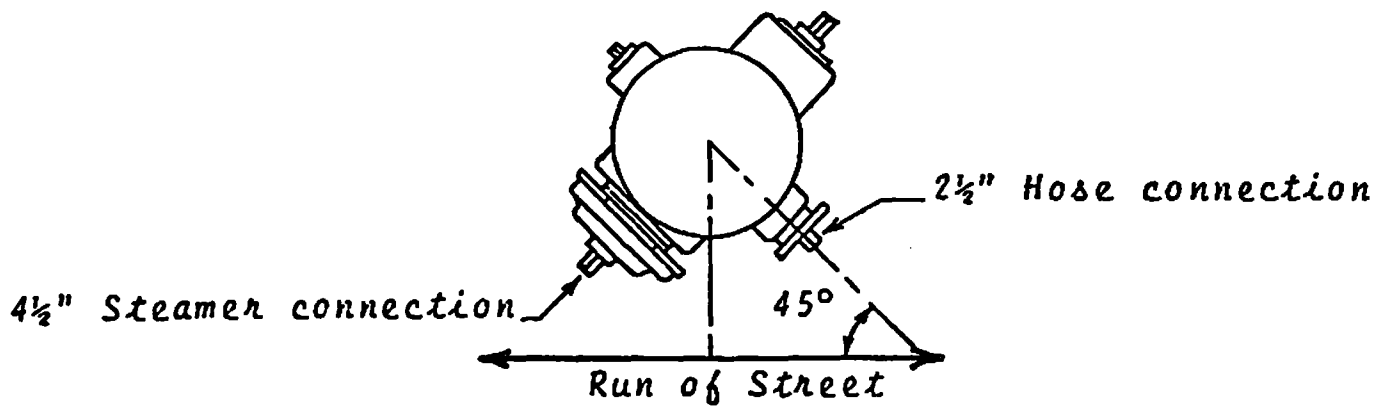
**NOTES:**

1. Clean inside of extensions so stem is clear of dirt.
2. Set valve box to finish grade.
3. Compact earth around base with mechanical tamper to 95% relative compaction and encase in 4" of concrete.
4. After concrete sets, patch with 1½" A.C.
5. Extensions, valve box and cover will be furnished by City.

RECOMMENDED BY <i>J.H. Butler</i> <i>AK</i>		Revised 4-30-78 By J. Wells	
APPROVED	10-24-75	Water	DRAWN BY SM
<i>Andrew R. Campbell</i>		VALVE BOX INSTALLATION	DATE 2-75
		CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS	DRAWING NO. 5-D
DIRECTOR OF PUBLIC WORKS	RE 10600		

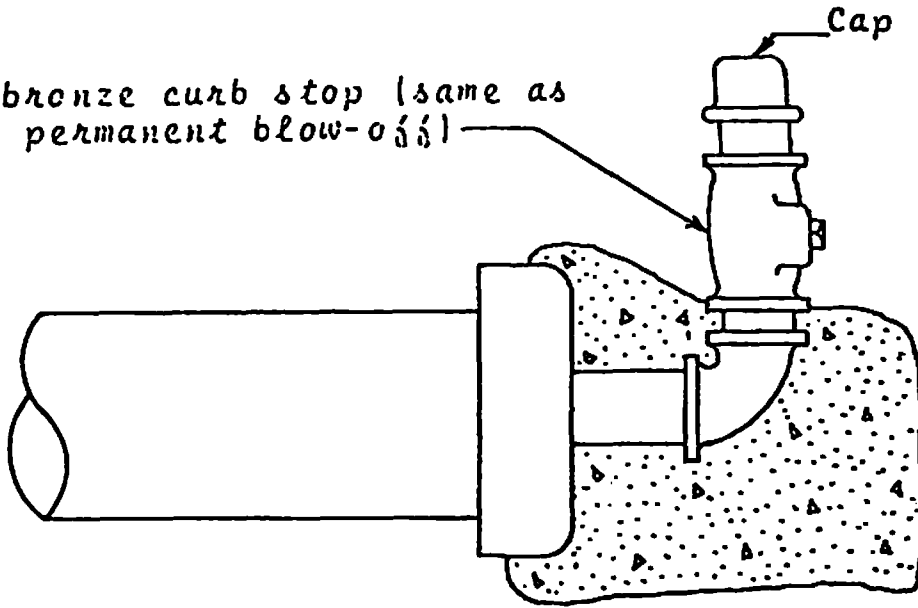


RECOMMENDED BY <i>J.H. Butler</i>	Revised 9-1-76	
APPROVED 10-24-75	Water	DRAWN BY BS
<i>Andrew R. Campbell</i> DIRECTOR OF PUBLIC WORKS RE 10608	FIRE HYDRANT INSTALLATION	DATE 2-75
	CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS	DRAWING NO. 5-F

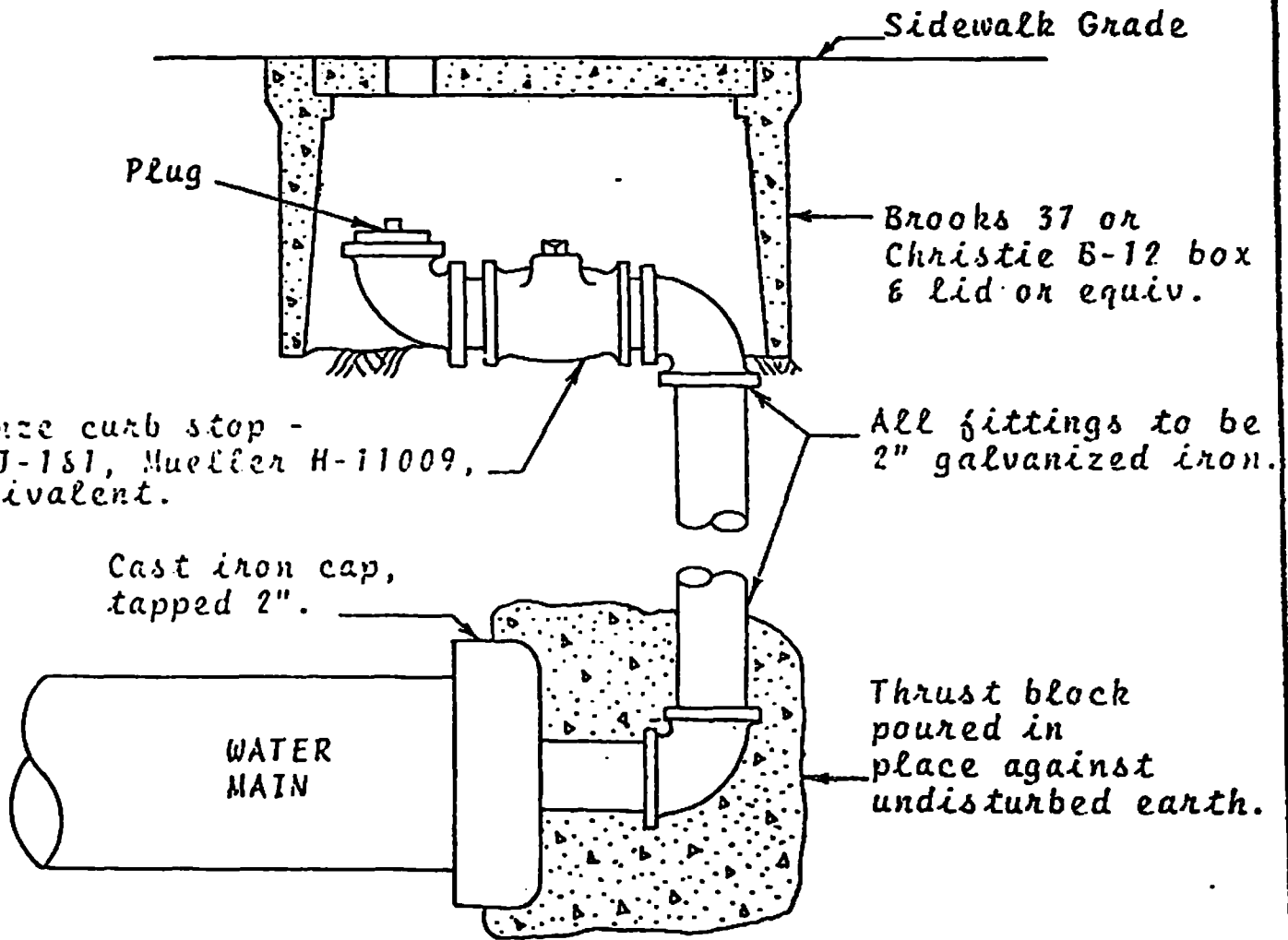


RECOMMENDED BY <i>G. H. Butler</i>		
APPROVED	10-24-75	Water
<i>Andrew R. Campbell</i>	FIRE HYDRANT LOCATION	
	CITY OF MODESTO	
DIRECTOR OF PUBLIC WORKS	RE 10603	DEPARTMENT OF PUBLIC WORKS
		DRAWN BY BS
		DATE 2-75
		DRAWING NO. 5-H

2" bronze curb stop (same as for permanent blow-off)



TEMPORARY BLOW-OFF



2" bronze curb stop - Jones J-181, Mueller H-11009, or equivalent.

Cast iron cap, tapped 2".

All fittings to be 2" galvanized iron.

Thrust block poured in place against undisturbed earth.

PERMANENT BLOW-OFF

RECOMMENDED BY *J. H. Butler*

Revised 9-1-76

APPROVED

10-24-75

Water  
BLOW-OFF

DRAWN BY BS

DATE 2-75

*Arthur R. Campbell*

DIRECTOR OF PUBLIC WORKS RE 10633

CITY OF MODESTO  
DEPARTMENT OF PUBLIC WORKS


DRAWING NO.  
5-J

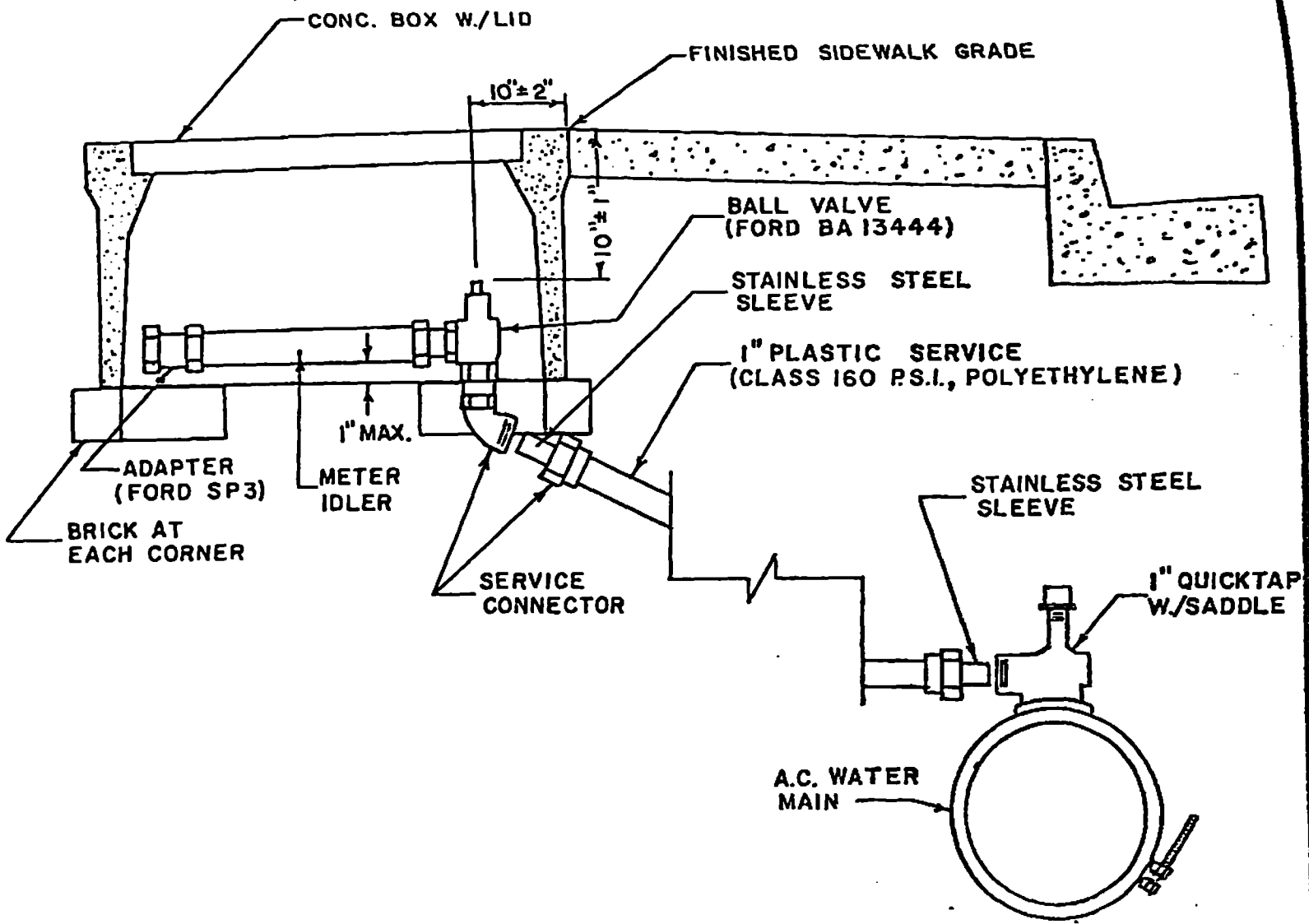
**MINIMUM THRUST BLOCK AREAS  
(in square feet)**

Pipe Size	Tee	90° Bend	45° Bend	22½° Bend	Dead End
4"	1.5	2	1.5	1	1.5
6"	3	4.5	2.5	1.5	3
8"	5	7	4	2	5
10"	8.5	11.5	6.5	3.5	8.5
12"	11.5	16.5	9	4.5	11.5

**NOTES:**

1. Areas are for 150 Pounds per Square Inch water pressure and sandy soil. Areas shall be doubled for clayey soil.
2. Blocking shall be made of Class B concrete and shall be placed between undisturbed ground and the fitting to be anchored. The blocking shall be placed so that the joints of the pipe and fittings will be accessible for repair.
3. Thrust blocks shall be constructed at pipe diameter changes and at other fittings not listed, and shall be placed as directed by the Engineer.

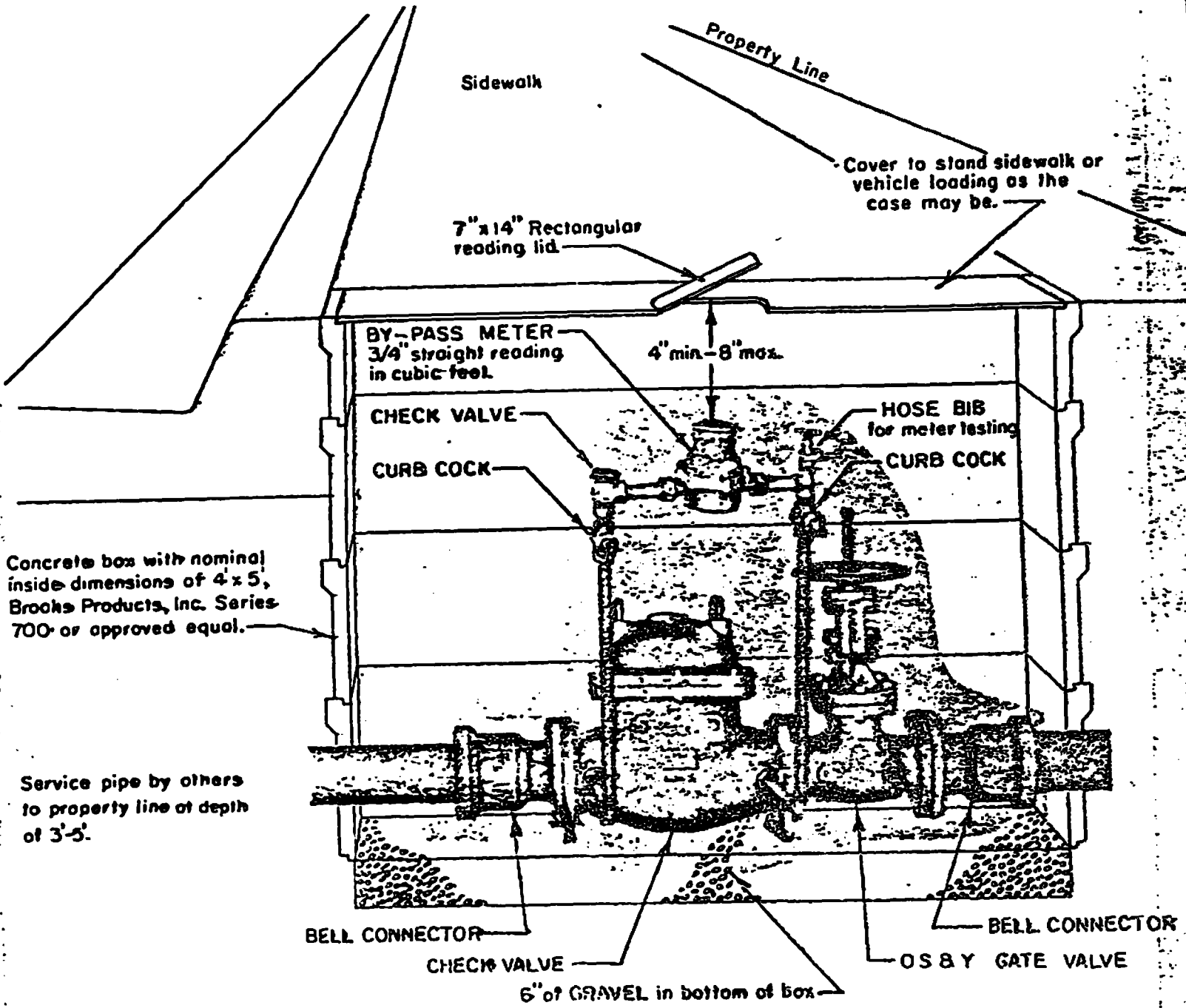
RECOMMENDED BY <i>J. H. Butler</i>		
APPROVED	10-24-75	Water
 DIRECTOR OF PUBLIC WORKS RE 10506		DRAWN BY RGR DATE 8-75
		THRUST BLOCKING CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS DRAWING NO. 5-L



**NOTES:**

1. If the service trench is in existing paving, the pavement shall be replaced as per specifications for main line trench.
2. Contractor shall be responsible for damage to the curb, gutter, and sidewalk including damage from settling of trench.
3. Curb, gutter, and sidewalk to be installed before water service installation unless otherwise noted.
4. Service line shall be a minimum of 24" below bottom of curb.
5. Street face of concrete box shall be adjacent to back of sidewalk.

RECOMMENDED BY <i>J. H. Butler</i> <i>JH</i> APPROVED 10-24-75	Revised 4-27-78 By <i>J. Wells</i>	DRAWN BY EH DATE 2-75 DRAWING NO. 5-P
<i>Andrew R. Campbell</i> DIRECTOR OF PUBLIC WORKS RE 10603	<b>Water</b> <b>1" WATER SERVICE</b> <b>WITH METER BOX</b> <b>CITY OF MODESTO</b> <b>DEPARTMENT OF PUBLIC WORKS</b>	



Concrete box with nominal inside dimensions of 4' x 5', Brooks Products, Inc. Series 700 or approved equal.

Service pipe by others to property line at depth of 3'-5'.

**NOTE:**  
Meters & Valves shall meet minimum A.W.W.A. Standards.

RECOMMENDED BY <i>J. H. Butler</i>		
APPROVED	10-24-75	
<i>Andrew R. Campbell</i>	Water	DRAWN BY CH
	STANDBY FIRE SERVICE	DATE 2-75
DIRECTOR OF PUBLIC WORKS	CITY OF MODESTO	DRAWING NO.
RE 10603	DEPARTMENT OF PUBLIC WORKS	5-R

USE FLOW max GPM * (a)	DOMESTIC ONLY (b)		FIRE ONLY		FIRE & DOMESTIC	
	Description (c)	Application Dwelling Units	Size	Description	Description	Application
50	1" Disc	2-4				Apartments, office bldgs, mobile home parks, etc.
100	1½" Disc	5-20				
160	2" Disc	21-60				
500	4" Compound (f)	61-120				
1000	6" Compound (f)	121-200	6"	Standby fire services require detector checks only.	6" Full flow (e)	Fire flows will normally determine size of service required.
1600	8" Compound (f)	200+	8" or 6" (d)		8" or 6" (d) Full flow (e)	
1600+	10" Compound (f)		10" or 8" (d)		10" or 8" (d) Full flow (e)	

(a) Commercial or industrial users shall submit flow data when required.

(b) Office building and similar type uses to be calculated on the basis of two closets or urinals equal one dwelling unit.

(c) City service and meter size. Customer may change size beyond meter as permitted by Building Code.

(d) Where system can be looped, i.e. two connections to City system.

(e) Hersey FM-CT or equal.

(f) Hersey MCT or Gamon CM.

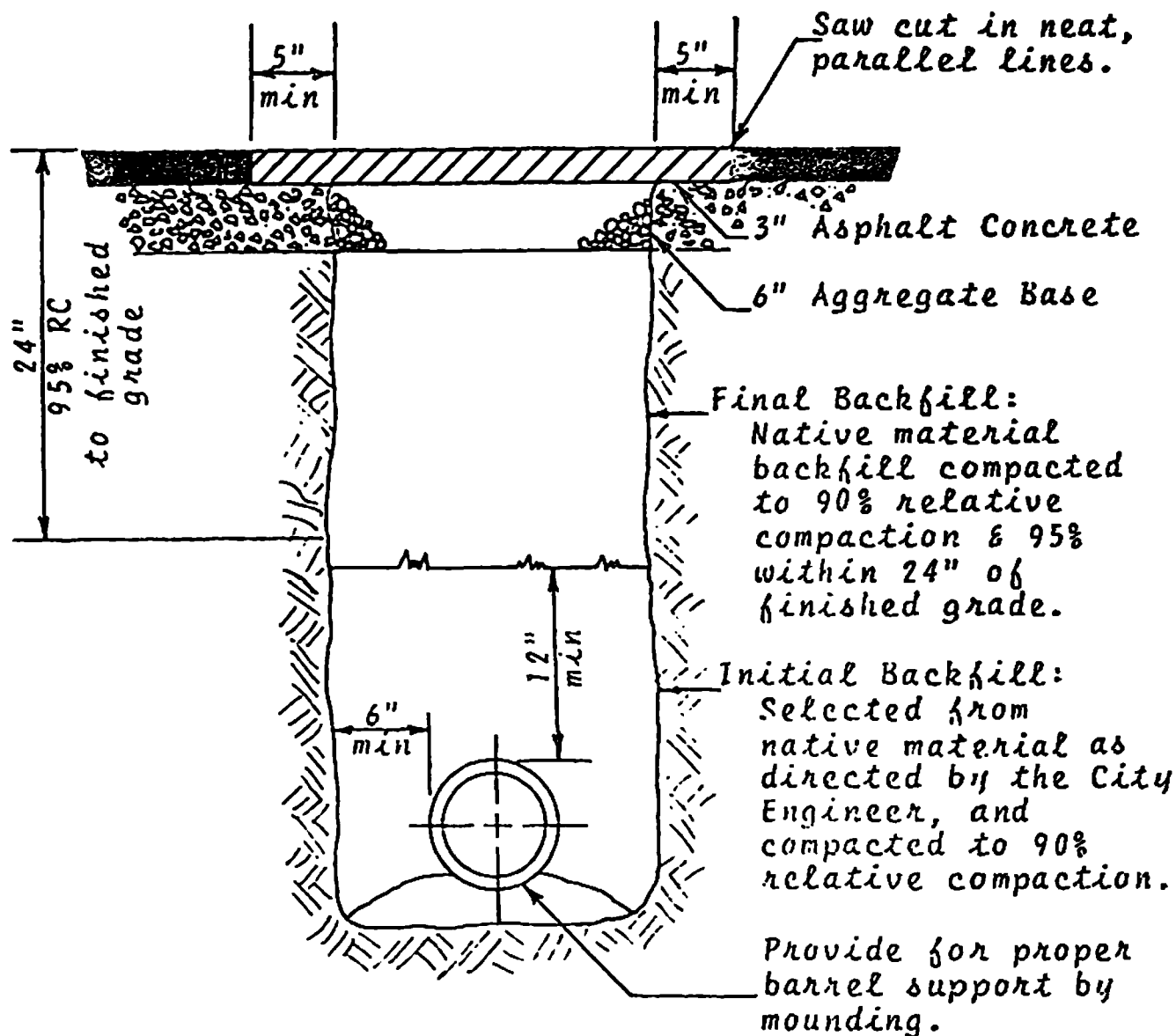
\* Max. GPM for short periods only (Normal use - Disc 33%, Compound 50% of flow).

RECOMMENDED BY *J.H. Butler*  
APPROVED 10-24-75

*Andrew R. Campbell*  
DIRECTOR OF PUBLIC WORKS RE 10000

Water  
SCHEDULE OF METERED SERVICES  
CITY OF MODESTO  
DEPARTMENT OF PUBLIC WORKS

DRAWN BY FE  
DATE 2-75  
DRAWING NO. 5-S



**NOTES:**

1. Trench settlement shall be backfilled and compacted to grade.
2. In existing pavement, contractor shall furnish 2" temporary cut back. To be installed and removed as directed by the City Engineer.

RECOMMENDED BY <i>J.H. Butler</i>		
APPROVED 10-24-75	Water TRENCH SECTION	DRAWN BY BS
<i>Richard K. Campbell</i>		DATE 2-75
DIRECTOR OF PUBLIC WORKS RE 10600	CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS	DRAWING NO. 5-X

RESOLUTION 78-444

THIS RESOLUTION CANCELLED. CHANGED  
TO S.P. RESOLUTION 1369

(MSD-A1)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-445

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (SCENIC-OAKDALE ADDITION)

WHEREAS, there has been annexed to the City of Modesto on April 5, 1978, certain territory known as Scenic-Oakdale Addition, and

WHEREAS, the inclusion of the area contained in Scenic-Oakdale Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Scenic-Oakdale Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 175.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, June 19, 1978, at the hour of 4:00 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 175.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The Northeast corner of the annexation.
- (2) The Southeast corner of the annexation at the North Line of Scenic Drive.
- (3) The Southwest corner of the annexation at the North line of Scenic Drive.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 175, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call

carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ker Ruppel*  
Public Works Department

## SCENIC OAKDALE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of ANGELO ADDITION (180), as per description filed August 13, 1965, as instrument 31397, Stanislaus County Records, said point being the centerline of 50.00 foot Scenic Drive;

1. thence along an Eastern line of said Addition (180), North  $0^{\circ} 38' 00''$  West, 682.12 feet;
2. thence along a Southern line of said Addition (180), North  $89^{\circ} 17' 00''$  East, 145.21 feet;
3. thence continuing along a Southern line of said Addition (180), North  $89^{\circ} 23' 45''$  East, 163.61 feet;
4. thence North  $0^{\circ} 46' 30''$  West, 4.73 feet;
5. thence along a Southern line of said Addition (180) to a Southwest corner of SCENIC VILLAGE ADDITION (187), as per description filed March 24, 1966, as instrument 10379, Stanislaus County Records, South  $74^{\circ} 50' 00''$  East, 103.93 feet;
6. thence continuing along a Southern line of said Addition (187), South  $74^{\circ} 50' 00''$  East, 102.65 feet;
7. thence leaving the existing City Limits and said Addition (187), South  $0^{\circ} 52' 30''$  East, 763.66 feet to the centerline of 50.00 foot Scenic Drive;
8. thence continuing along said centerline, North  $66^{\circ} 58' 00''$  West, 131.14 feet;
9. thence along a tangent curve, having a Radius of 954.93, a Central Angle of  $24^{\circ} 06' 32''$ , and an Arc Length of 401.81 feet, to the point of beginning, containing 8.387 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on May 1st, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Kullijian, and adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: May 1, 1978

Norrine Coyle  
City Clerk of the City of Modesto,  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-446

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (CARPENTER-HOUSER ADDITION)

WHEREAS, there has been annexed to the City of Modesto on April 5, 1978, certain territory known as Carpenter-Houser Addition, and

WHEREAS, the inclusion of the area contained in Carpenter-Houser Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Carpenter-Houser Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 176.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, June 19, 1978, at the hour of 4:05 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 176.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The Northwest corner of the annexation at the Southeast corner of Carpenter Road and California Avenue.
- (2) The Western line of the annexation at the Southeast corner of Carpenter Road and Houser Lane.
- (3) The Southwest corner of the annexation at the Northeast corner of Carpenter Road and Chicago Avenue.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 176, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call

carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *[Signature]*  
Public Works Department

November 4, 1977

CARPENTER - HOUSER ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern boundary of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point being the Western line of Section 31 and the Northern line of 45.00 foot California Avenue;

1. thence along the existing City Limits and the Southern boundary of said Addition (70), North  $89^{\circ} 55' 00''$  East, 693.00 feet;

2. thence leaving the existing City Limits, South  $0^{\circ} 51' 00''$  East, 1357.48 feet to the centerline of 40.00 foot Houser Lane;

3. thence along the centerline of said road, South  $89^{\circ} 44' 43''$  West, 95.33 feet;

4. thence South  $0^{\circ} 13' 47''$  East, 288.63 feet;

5. thence North  $89^{\circ} 44' 43''$  East, 203.00 feet;

6. thence South  $0^{\circ} 07' 43''$  East, 936.26 feet, to the centerline of 40.00 foot Chicago Avenue;

7. thence along the centerline of said road, South  $89^{\circ} 27' 18''$  West, 785.80 feet, to the Western line of Section 31 and the intersection of 90.00 foot Carpenter Road;

8. thence along the range line and Carpenter Road, North  $0^{\circ} 50' 47''$  West, 1248.94 feet, to the intersection of 90.00 foot Carpenter Road and 50.00 foot Houser Lane;

9. thence continuing along Carpenter Road North  $0^{\circ} 51' 00''$  West, 1339.61 feet, to the point of beginning, containing 42.609 acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Covle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on May 1st, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Kullijian, and adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

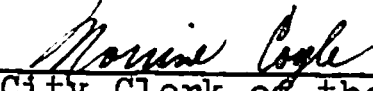
NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: May 1, 1978

  
Norrine Covle  
City Clerk of the City of Modesto,  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-447

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE MC HENRY-DRY CREEK  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the McHenry-Dry Creek  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Scenic-Oakdale Addition  
by Ordinance No. 1705-C.S. adopted on January 23,  
1978, and said addition officially became a part of the City of  
Modesto on April 5, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the McHenry-Dry Creek Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

## SCENIC OAKDALE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of ANGELO ADDITION (180), as per description filed August 13, 1965, as instrument 31397, Stanislaus County Records, said point being the centerline of 50.00 foot Scenic Drive;

1. thence along an Eastern line of said Addition (180), North  $0^{\circ} 38' 00''$  West, 682.12 feet;
2. thence along a Southern line of said Addition (180), North  $89^{\circ} 17' 00''$  East, 145.21 feet;
3. thence continuing along a Southern line of said Addition (180), North  $89^{\circ} 23' 45''$  East, 163.61 feet;
4. thence North  $0^{\circ} 46' 30''$  West, 4.73 feet;
5. thence along a Southern line of said Addition (180) to a Southwest corner of SCENIC VILLAGE ADDITION (187), as per description filed March 24, 1966, as instrument 10379, Stanislaus County Records, South  $74^{\circ} 50' 00''$  East, 103.93 feet;
6. thence continuing along a Southern line of said Addition (187), South  $74^{\circ} 50' 00''$  East, 102.65 feet;
7. thence leaving the existing City Limits and said Addition (187), South  $0^{\circ} 52' 30''$  East, 763.66 feet to the centerline of 50.00 foot Scenic Drive;
8. thence continuing along said centerline, North  $66^{\circ} 58' 00''$  West, 131.14 feet;
9. thence along a tangent curve, having a Radius of 954.93, a Central Angle of  $24^{\circ} 06' 32''$ , and an Arc Length of 401.81 feet, to the point of beginning, containing 8.387 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-448

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE BURBANK-PARADISE  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Burbank-Paradise  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Carpenter-Houser Addition  
by Resolution No. 78-142 adopted on January 23,  
1978, and said addition officially became a part of the City of  
Modesto on April 5, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Burbank-Paradise Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

November 4, 1977

CARPENTER - HOUSER ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern boundary of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point being the Western line of Section 31 and the Northern line of 45.00 foot California Avenue;

1. thence along the existing City Limits and the Southern boundary of said Addition (70), North  $89^{\circ} 55' 00''$  East, 693.00 feet;
2. thence leaving the existing City Limits, South  $0^{\circ} 51' 00''$  East, 1357.48 feet to the centerline of 40.00 foot Houser Lane;
3. thence along the centerline of said road, South  $89^{\circ} 44' 43''$  West, 95.33 feet;
4. thence South  $0^{\circ} 13' 47''$  East, 288.63 feet;
5. thence North  $89^{\circ} 44' 43''$  East, 203.00 feet;
6. thence South  $0^{\circ} 07' 43''$  East, 936.26 feet, to the centerline of 40.00 foot Chicago Avenue;
7. thence along the centerline of said road, South  $89^{\circ} 27' 18''$  West, 785.80 feet, to the Western line of Section 31 and the intersection of 90.00 foot Carpenter Road;
8. thence along the range line and Carpenter Road, North  $0^{\circ} 50' 47''$  West, 1248.94 feet, to the intersection of 90.00 foot Carpenter Road and 50.00 foot Houser Lane;
9. thence continuing along Carpenter Road North  $0^{\circ} 51' 00''$  West, 1339.61 feet, to the point of beginning, containing 42.609 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-449

A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATE FOR OAKDALE ROAD  
FROM SCENIC TO BRIGGSMORE PROJECT

WHEREAS, the City of Modesto has acquired the required right of way needed to improve Oakdale Road from Scenic Drive to Briggsmore; and

WHEREAS, it is necessary for the City of Modesto to make a certification to the State of California that the right of way has been acquired for the improvement of Oakdale Road from Scenic Drive to Briggsmore.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are hereby authorized to sign a Right of Way Certificate setting forth the status of right of way acquisition for the Oakdale Road from Scenic to Briggsmore project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYE: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Piefkin, Mayor Davies

NO: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrie Coyle  
NORRIE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-450

**RESCINDED**  
AUTHORITY TO MAKE  
OF PART 3 OF 4-26-94  
DIVISION 5 OF TITLE II (COMMENCING WITH SECTION 21020) OF THE  
GOVERNMENT CODE OF THE STATE OF CALIFORNIA REGARDING DISABILITY  
OF LOCAL SAFETY MEMBERS OF THE PUBLIC EMPLOYMENT RETIREMENT  
SYSTEM.  
THIS RESOLUTION WAS  
RESCINDED BY MODESTO  
CITY COUNCIL RESOLUTION  
NO. 1994-235

A RESOLUTION DELEGATING TO THE CITY MANAGER AUTHORITY TO MAKE DETERMINATIONS UNDER ARTICLE 3 OF CHAPTER 8 OF PART 3 OF DIVISION 5 OF TITLE II (COMMENCING WITH SECTION 21020) OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA REGARDING DISABILITY OF LOCAL SAFETY MEMBERS OF THE PUBLIC EMPLOYMENT RETIREMENT SYSTEM.

WHEREAS, the City of Modesto (hereinafter referred to as Agency), is a contracting agency of the Public Employees' Retirement System, and

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law, and

WHEREAS, the City Council, pursuant to Section 21034 of the Government Code of the State of California, may delegate authority to make such determinations to the incumbent of the office of City Manager,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby delegate to the incumbent of the office of City Manager authority to make determinations under Article 3 of Chapter 8 of Part 3 of Division 5 of Title II (commencing with Section 21020) of the Government Code of the State of California, on behalf of the Agency, of disability and whether such disability is industrial, and to certify such determinations and all other necessary information to the Public Employees' Retirement System.

BE IT FURTHER RESOLVED that such incumbent be and he is authorized to make applications on behalf of the Agency for disability retirement of employees in employments in which they are local safety members and to initiate requests for reinstatement of such employees who are retired for disability.

BE IT FURTHER RESOLVED that Resolution No. 77-1196, adopted by the Council on November 14, 1977, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-451

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,500 FROM THE  
GENERAL RESERVE ACCOUNT TO THE McHENRY MANSION RESTORATION ACCOUNT

BE IT RESOLVED by the Council of the City of Modesto that the  
following appropriation transfer(s) are approved:

FROM: General Reserve \$2,500  
(Acct. 60-800-321)

TO: McHenry Mansion Restoration \$2,500  
(Acct. 6276-270-321)

In order to begin the outside restoration of the McHenry  
Mansion it is necessary to appropriate funds for the  
engineering work.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 1st day of  
May, 19 78, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

  
MORRINE COYLE, City Clerk

PROJECT NO. 77/09/01 - 78/01/03

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-452

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

WHEREAS, Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1 The Council of the City of Modesto upon its own motion hereby orders the installation of the improvements described in the notices which are attached hereto and incorporated by reference herein.

SECTION 2. The Superintendent of Streets is hereby directed to deliver, mail and post said notices in the manner specified in Sections 5876 through 5879 of the Streets and Highways Code.

SECTION 3. The 22nd day of May, 1978, at 7:50 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California is set as the time and place where the Council will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested person relating to the proposed work.

SECTION 4. The Superintendent of Streets is hereby authorized to implement the provisions of this resolution in accordance with the procedure contained in Chapter 27, Part 3, Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT. Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

- a. Curb and sidewalk at 1111 Avenue A, between 11th and 12th Streets (American Park & Drive, Inc. 1911)
- b. Curb and sidewalk at 1111 Avenue A, between 11th and 12th Streets of Block 100. (Chicago, 1911)
- c. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- d. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- e. Curb and sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- f. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- g. Curb and sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- h. Curb and sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- i. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- j. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- k. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- l. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- m. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- n. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- o. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- p. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- q. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- r. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- s. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- t. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- u. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- v. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- w. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- x. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- y. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)
- z. Sidewalk at 1111 Avenue A, between 11th and 12th Streets (Chicago, 1911)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-453

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND OPAL K. WERT AND ACCEPTING GRANT DEED FOR THE PURCHASE OF PROPERTY LOCATED AT 625 - 625 $\frac{1}{2}$  SOUTH SUNSET AVENUE NEEDED FOR DEL WEBB SOCCER FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Opal K. Wert for the purchase of property located at 625 - 625 $\frac{1}{2}$  South Sunset Avenue needed for the Del Webb Soccer Field is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Kullijian , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-454

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT L. CRISP, M.A.I., AND ACCEPTING GRANT DEEDS FOR THE APPRAISAL OF THE DICKENS, BOMBERGER, AND HUBERT SCOTT PROPERTIES WHICH ARE NEEDED FOR DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Robert L. Crisp, M.A.I., the for appraisal of the Dickens, Bomberger, and Hubert Scott properties needed for Dry Creek Park is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk and hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-455**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR DRY CREEK PARK (Dr. and Mrs. William T. Doidge)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that June 5, 1978, at 4:05 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a Resolution of Necessity to acquire property for Dry Creek Park (Dr. and Mrs. William T. Doidge).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-456

A RESOLUTION APPROVING THE FINAL MAP OF THE  
OAKSHIRE TERRACE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Wolverine Building Service, Inc. and Charles B. Walter

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is (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 2.990 acres, known as the  
OAKSHIRE TERRACE Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 10th day of  
July, 1977, 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 Oakshire Terrace  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-457

A RESOLUTION ADOPTING ENVIRONMENTAL REVIEW  
GUIDELINES.

WHEREAS, Sections 21000 et seq. of the California Public Resources Code, as amended, comprise the California Environmental Quality Act, and

WHEREAS, the Secretary of the California Resources Agency, pursuant to the provisions of California Public Resources Code Section 21083, adopted "Guidelines for Implementation of the California Environmental Quality Act" which were amended on January 24, 1978, and

WHEREAS, Section 21082 of the California Public Resources Code requires all public agencies to adopt objectives, criteria, and procedures consistent with the provisions of said Code sections and said California Resources Agency Guidelines for the evaluation of projects and the preparation of environmental impact reports, and

WHEREAS, Chapter 9 of Title IV of the Modesto Municipal Code (Sections 4-9.01 - 4-9.04) authorizes the adoption by resolution of guidelines for determining what projects may have a significant effect on the environment and for the preparation and approval of environmental impact reports, and

WHEREAS, this Council by Resolutions No. 72-1137, 73-276, 74-130, 75-437, 77-14 and 77-80 has previously adopted Environmental Impact Report Guidelines or amendments thereto, and

WHEREAS, it is necessary to revise said Guidelines in accordance with the amendments to the Guidelines issued by the Secretary of the California Resources Agency in January of 1978.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The attached document entitled "City of Modesto Environmental Review Guidelines for Compliance with the California Environmental Quality Act", be and it is hereby adopted for the City of Modesto.

2. All public projects and actions and all private projects for which a permit, license or other similar entitlement from the city is required shall comply with the City of Modesto Guidelines.

3. An Environmental Impact Assessment Committee composed of at least three (3) members of the city staff shall be appointed by the City Manager to review all such public and private projects and actions for conformity with the City of Modesto Guidelines, the California Resources Agency Guidelines, and the California Environmental Quality Act, and to make environmental assessments as to whether a negative declaration of environmental impact or an environmental impact report is required, and take such other actions as are authorized by the City of Modesto Guidelines.

4. In the event it is determined, based upon an Environmental Impact Report, that such project or action may have a significant effect on the environment, such project or action may be deferred or denied, in whole or in part, or may be approved subject to reasonable conditions and mitigation measures of such significant effect on the environment.

5. Any person aggrieved by any action taken by said Committee or any other city official pursuant to the City of Modesto Guidelines may appeal to the City Council pursuant to the provisions of Chapter 4 of Title I of the Modesto Municipal Code. The decision by the City Council on such appeal shall be final.

6. Any action or proceeding to attack, review, set aside, void or annul any decision on matters covered by this resolution or by the City of Modesto Guidelines, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within thirty (30) days after the date of such decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determination.

7. Nothing in this resolution shall preclude the City of Modesto from taking such other action in respect to the approval, conditional approval, denial or revocation of any permit, license or other similar entitlement as is deemed necessary by the city in order to obtain full compliance with the requirements of the California Environmental Quality Act.

8. The provisions of this resolution and the City of Modesto Guidelines adopted hereby shall supersede and replace the provisions of Resolution No. 77-80 and the previous City of Modesto Guidelines and amendments adopted thereby; provided, however, that the review of all public and private projects commenced under said previous City of Modesto Guidelines shall be coordinated with procedures outlined in the City of Modesto Guidelines adopted hereby in completing the review and approval of such projects.

9. All actions heretofore taken by officials of the City of Modesto to review and approve public and private projects and actions for purposes of insuring compliance with the California Environmental Quality Act are hereby

ratified and approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

**CITY OF MODESTO**  
**ENVIRONMENTAL REVIEW GUIDELINES**  
**FOR COMPLIANCE WITH THE**  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Revised and Adopted by Modesto City Council  
Resolution No. 78-\_\_\_; May 1, 1978

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## SECTION I. INTRODUCTION

These Guidelines establish procedures for the identification and analysis of environmental effects of projects, and the preparation and processing of Environmental Impact Reports for such projects when significant effects on the environment are anticipated.

### A. Legal Requirements

Sections 21000-21174 of the California Public Resources Code, as amended by Chapter 1200 of the Statutes of 1977 (AB884), comprise the California Environmental Quality Act of 1970.

The Act requires a determination of possible significant effect on the environment be made for most local projects. In addition, the National Environmental Policy Act makes similar requirements for certain federally funded local projects.

### B. State Policy

The legislature has declared that it is the policy of the State to:

1. Develop and maintain a high-quality environment now and in the future, and take all action necessary to protect, rehabilitate and enhance the environmental quality of the state.
2. Take all action necessary to provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise.
3. Prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history.
4. Ensure that the long-term protection of the environment shall be the guiding criterion in public decisions.
5. Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.
6. Require governmental agencies at all levels to develop standards and procedures necessary to protect environmental quality.
7. Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs, and to consider alternatives to proposed actions affecting the environment.

8. Based on court decisions, the EIR:

- (a) Is to inform other governmental agencies and the public generally of the environmental impact of a proposed project.
- (b) Serves not only to protect the environment but also to demonstrate to the public that it is being protected.

The legislature has also declared that the following policies shall apply to the use of Environmental Impact Reports:

1. The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which such significant effects can be mitigated or avoided.
2. Each public agency shall mitigate or avoid the significant effects on the environment of projects it approves or carries out to the extent it is feasible to do so.
3. In the event that economic, social, technical, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, such project may nonetheless be approved or carried out at the discretion of a public agency, provided that the project is otherwise permissible under applicable laws and regulations.
4. Environmental impact reports should omit unnecessary descriptions of projects and emphasize feasible mitigation measures and alternatives to projects.
5. Information developed in individual environmental impact reports should be incorporated into a data base which can be used to reduce delay and duplication in preparation of later environmental impact reports.
6. The EIR process is intended to enable public agencies in evaluating projects to determine whether a project may have a significant effect on the environment, to examine and institute methods of reducing adverse impacts, and to consider alternatives to a project as proposed. These steps of analysis and evaluation must be completed prior to approval of the project.

C. City of Modesto Policy

While project-by-project analysis of environmental impact is the thrust of the California Environmental Quality Act of 1970 and the National Environmental Policy Act, the City of Modesto will endeavor also to place emphasis on the environmental impact of the comprehensive urban planning process as embodied primarily in the Modesto Urban Area General Plan.

In this manner, environmental review by the City of Modesto will be considered at two levels:

1. *The environmental impact of the long-term plans of the community;*
2. *The environmental impact of a given project on the long-term plans of the community and on specific environmental concerns such as natural waterways, etc.*

## SECTION II. DEFINITIONS

The definitions that follow are based on the "Guidelines for Implementation of the California Environmental Quality Act of 1970" as adopted and amended by the California Resources Agency and are intended to clarify, but not replace or negate, the definitions used in the California Environmental Quality Act of 1970.

- A. Approval means the decision by the City which commits the City to a definite course of action in regard to a project intended to be carried out by the City, any person, or any other public agency.
- B. California Environmental Quality Act (CEQA) means California Public Resources Code Sections 21000 through 21174, as amended.
- C. Categorical Exemption means an exemption from the requirement for the environmental review process for the class of projects based on a finding by the Secretary of the California Resources Agency that the class of projects does not have a significant effect on the environment.
- D. City means the City of Modesto or the City Council, Board of Zoning Adjustment, Planning Commission, Environmental Assessment Committee or authorized official of the City.
- E. Cumulative Impacts. Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects.
- F. Discretionary Project means an activity defined as a project which requires the exercise of judgment, deliberation, or decision on the part of the City in the process of approving or disapproving a particular activity, as distinguished from situations where the City merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. Where a project involves both discretionary and ministerial elements, the entire project will be deemed to be discretionary.
- G. Emergency. Emergency means a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. Emergency includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.

- H. Environment means the physical conditions which exist in the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.
- I. Environmental Assessment means check list review which serves as part of an Initial Study of a discretionary project to determine whether the project may have a significant effect, thereby requiring an EIR, or whether it does not and a Negative Declaration can be filed.
- J. Environmental Assessment Committee means a City staff committee whose primary purpose is to screen discretionary projects to determine whether a project is eligible for a Negative Declaration or whether an EIR is required.
- K. Environmental Impact Report (EIR) means a detailed statement setting forth the environmental effects and considerations pertaining to a project as specified in Section 21100 of the California Environmental Quality Act.
1. Draft EIR means an EIR prepared according to Section VII B of these guidelines.
  2. Final EIR means an EIR prepared according to Section VII C of these guidelines. The Final EIR is an informational document to inform public bodies such as the City Council, Board of Zoning Adjustment and Planning Commission and the general public of the environmental effect of projects. The EIR provides environmental input in addition to the economic and social input necessary for a balanced decision.
- L. Environmental Impact Statement (EIS) means an environmental impact report prepared pursuant to the National Environmental Policy Act (NEPA). The Federal Government uses the term EIS in place of the term EIR which is used in CEQA.
- M. Feasible. Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- N. General Plan means the Modesto Urban Area General Plan, as adopted by the City Council in 1974, including all present and future revisions and amendments.
- O. Initial Study. The Environmental Information Form (Exhibit B), the Environmental Check List (Exhibit C), and the Environmental Assessment Committee Initial Study and Findings (Exhibit D), comprise an Initial Study.
- P. Lead Agency means the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect on the environment. Where more than one public agency is involved with the same underlying activity, the Lead Agency shall prepare the environmental documents for the project.

Q. Ministerial Projects as a general rule include those activities defined as projects which are undertaken or approved by a governmental decision which a public officer or public agency makes upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority. With these projects, the officer or agency must act upon the given facts without regard to his own judgment or opinion concerning the propriety or wisdom of the act, although the statute, ordinance, or regulation may require, in some degree, a construction of its language by the officer. In summary, a ministerial decision involves only the use of fixed standards or objective measurements without personal judgment.

R. Negative Declaration. Negative Declaration means a written statement by the Lead Agency briefly describing the reasons that a proposed project, although not otherwise exempt, will not have a significant effect on the environment and therefore does not require the preparation of an EIR.

S. Notice of Completion means a brief report filed with the Secretary of the California Resources Agency when the City has completed a Draft EIR for review, (Exhibit E). The contents of this notice shall include:

1. A brief description of the project.
2. The proposed location of the project.
3. An address where copies of Draft EIR are available.
4. The period during which comments on the Draft will be received.

T. Notice of Determination means a notice to be filed with the Stanislaus County Clerk by the City when it approves or determines to carry out a project which is subject to the requirements of CEQA, (Exhibit F). The contents of this report shall include:

1. The decision by the City to approve or disapprove the project.
2. The determination by the City whether the project in its approved form will or will not have a significant effect on the environment and a brief statement of mitigation measures included, if any, and either:
  - (a) A statement that no EIR has been prepared pursuant to the provisions of CEQA, and the address where a copy of the Negative Declaration may be examined, or
  - (b) A statement that a Final EIR has been prepared and certified and the address where a copy of the report may be examined.

U. Notice of Exemption means a notice stating that a project is exempt from CEQA and reasons therefore, (Exhibit A).

V. Notice of Preparation means a notice stating that an EIR will be prepared for a project. (Exhibit G)

W. Person includes any person, firm, association, organization, partnership, business, trust, corporation, company, district, county, city and county, city, town, the state, and any political subdivisions of such entities.

- X. Project means the whole of an action which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:
1. An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption of the General Plan and amendment and other long-term plans of the community.
  2. An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.
  3. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.
  4. "Project" does not include:
    - (a) Anything specifically exempted by State law.
    - (b) Continuing administrative or maintenance activities, such as purchases for supplies, personnel-related actions, emergency repairs to public service facilities, general policy and procedure-making (except as they are applied to specific instances covered above), and feasibility or planning studies.
    - (c) The submittal of proposals to a vote of the people.
    - (d) Each separate governmental approval as may be required on a given project.
- Y. Public Agency includes any state agency, board or commission and any local or regional agency. It does not include the courts of the state nor the agencies of the federal government.
- Z. Responsible Agency means the public agency which proposes to carry out or approve the project but is not a lead agency for the project. It includes all public agencies other than the lead agency which have approval power over the project. The responsible agency will normally act after the Lead Agency has completed the EIR or Negative Declaration for the project, and will consider the environmental document prepared by the Lead Agency prior to taking action.
- AA. Significant Effect on the Environment. Significant effect on the environment means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the activity including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

**A. Certain Ongoing Projects**

1. Ongoing projects under the jurisdiction of the National Environmental Policy Act (NEPA) which are deemed too far advanced at the time of NEPA's effective date to require an EIS do not require an environmental assessment.
2. A project as defined in Section II, paragraph X3, or a contract as defined in Section II, paragraph X2, approved prior to April 5, 1973.
3. A discretionary project involving the issuance prior to April 5, 1973, of a lease, permit, license, certificate, or other entitlement by the City for the project, or for part of the project if another or additional approval of said discretionary project by the City, after April 5, 1973, does not involve a greater degree of responsibility and control over the project as a whole.

**B. Certain Feasibility and Planning Studies**

A project involving only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded, requires consideration of environmental factors but not the preparation of an EIR. In keeping with the City's policy of monitoring environmental impact of long-term planning, the City may prepare an EIR on some of its feasibility and planning studies.

**C. Emergency Projects**

1. Projects in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor.
2. Emergency repairs to public service facilities necessary to maintain service.
3. Specific actions necessary to prevent or mitigate an emergency.

**D. Ministerial Projects**

Ministerial projects, including the issuance of building permits, issuance of business licenses, approval of final subdivision maps, and approval of individual utility service connections and disconnections, do not need environmental assessments.

**E. Projects Which Are Disapproved**

1. CEQA does not apply to projects which a public agency rejects or disapproves.

2. This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initiation of the CEQA process where the City can determine that the project cannot be approved.
3. This section shall not relieve an applicant from paying the costs for an EIR or Negative Declaration prepared for his project prior to the Lead Agency's disapproval of the project after normal evaluation and processing.

F. Projects With Categorical Exemptions

The following classes of projects are determined not to have a significant effect on the environment, are consistent with the class of categorical exemptions as determined by the Secretary of the California Resources Agency, and are declared categorically exempt from an environmental assessment or preparation of an EIR except as limited at Section IV B:

Class 1: Existing Facilities. Class 1 consists of the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor, and publicly owned utilities used to convey or distribute electric power, natural gas, sewage etc.;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource including but not limited to a stand of trees, a rock outcropping, or an historic building.
- (d) Restoration, or rehabilitation of deteriorated or damaged structures, facilities or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition or alteration, or 2,500 square feet, whichever is less;
- (f) Addition of safety or health devices for use of or in conjunction with existing structures, facilities or mechanical equipment, or topographical features including navigational devices;

(g) *New copy on existing on and off-premise signs;*

- (h) *Maintenance of existing landscaping, native growth and water supply reservoirs (excluding the use of economic poisons, as defined in Division 7, Chapter 2, California Agricultural Code);*
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family rental units into condominiums;
- (l) Demolition and removal of individual small structures listed in this subsection except where the structures are of historical, archaeological or architectural significance:
  - 1. Single family residences not in conjunction with the demolition of two or more units.
  - 2. Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the demolition of two or more such structures.
  - 3. Stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the demolition of two or more such structures.
  - 4. Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.

**Class 2: Replacement or Reconstruction.** Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50%;
- (b) Replacement of a commercial structure with a new structure of substantially the same size and purpose.

**Class 3: New Construction of Small Structures.** Class 3 consists of construction and location of single, new facilities or structures and installation of new equipment and facilities, including but not limited to:

- (a) Single family residences not in conjunction with the building of two or more such units;
- (b) Motels, apartments, and duplexes designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
- (c) Stores, offices, and restaurants if designed for an occupant load of 20 persons or less, if not in conjunction with the building of two or more such structures;
- (d) Water main, sewage, electrical, gas and other utility extensions of reasonable length to serve such construction;
- (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences.

**Class 4: Minor Alterations to Land.** Class 4 consists of minor public or private alterations in the condition of land, water and/or vegetation which do not involve removal of mature scenic trees, except for forestry and agricultural purposes, including but not limited to:

- (a) Grading on land with a slope of less than 10 percent, except where it is to be located in a waterway, in any wet land, in an officially designated (by Federal, State or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard;
- (b) New gardening or landscaping but not including tree removal;
- (c) Filling of earth into previously excavated land with material compatible with the natural features of the site;
- (d) Minor alterations in land, water and vegetation on existing officially designated wildlife management areas of fish production facilities which result in improvement of habitat for fish and wildlife resources or greater fish production;
- (e) Minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, fireworks stands, sales of Christmas trees, etc.;
- (f) Minor trenching and backfilling where the surface is restored;
- (g) Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal regulatory agencies.

(a) Minor lot line adjustments, side yard and set back variances not resulting in the creation of any new parcel nor in any change in land use or density;

(b) Issuance of minor encroachment permits.

Class 6: Information Collection. Class 6 consists of basic data collection, research, experimental management and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be for strictly information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted or funded.

Class 7: Regulatory Actions for Protection of Natural Resources. Class 7 consists of action taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration or enhancement of a natural resource where the regulatory process involves procedures for the protection of the environment including but not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.

Class 8: Actions by Regulatory Agencies for Protection of the Environment. Class 8 consists of actions taken by regulatory agencies authorized by state law or local ordinances to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment. Construction activities are not included in this exemption.

Class 9: Inspections. Class 9 consists of activities limited entirely to inspection, to check for performance of an operation, or quality, health or safety of a project, including related activities such as inspection for possible mislabeling, misrepresentation or adulteration of products.

Class 10: Loans. Class 10 consists of loans made by the Department of Veterans Affairs under the Veterans Farm and Home Purchase Act of 1943.

Class 11: Accessory Structures. Class 11 consists of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to:

(a) On-premise signs;

(b) Small parking lots.

Class 12: Surplus Government Property Sales. Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in the Governor's Environmental Goals and Policy Report prepared

pursuant to Government Code Sections 65041 et seq. However, if the surplus property to be sold is located in those areas identified in the Governor's Environmental Goals and Policy Report, its sale is exempt if:

- (a) The property does not have significant values for wildlife habitat or other environmental purposes, and
- (b) Any of the following conditions exist:
  - 1. The property is of such size or shape that it is incapable of independent development or use, or
  - 2. The property to be sold would qualify for an exemption under any other class of categorical exemption in Section III, F of these guidelines, or
  - 3. The use of the property and adjacent property has not changed since the time of purchase by the public agency.

Class 13: Acquisition of Lands for Wildlife Conservation Purposes. Class 13 consists of the acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat, establishing ecological reserves under Fish and Game Code Section 1580, and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

Class 14. Minor Additions to Schools. Class 14 consists of minor additions to existing schools within existing school grounds where the addition does not increase original student capacity by more than 25% or five classrooms, whichever is less. The addition of portable classrooms is included in this exemption.

Class 15: Transfer of Ownership of Land In Order To Create Parks. Class 15 consists of the acquisition or sale of land in order to establish a park where the land is in a natural condition or contains historic sites or archaeological sites and either:

- (a) The management plan for the park has not been prepared, or
- (b) The management plan proposes to keep the area in a natural condition or preserve the historic or archaeological site. CEQA will apply when a management plan is proposed that will change the area from its natural condition or significantly change the historic or archaeological site.

*Class 16: Open Space Contracts or Easements. Class 16 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. The cancellation of such preserves, contracts, interests or easements is not included.*

**Class 17: Annexations of Existing Facilities and Lots for Exempt Facilities.**  
**Class 17 consists of only the following annexations:**

- (a) Annexations to a city or special district of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
- (b) Annexations of individual small parcels of the minimum size for facilities exempted by Class 3, New Construction of Small Structures.

**Class 18: Changes in Organization of Local Agencies.** Class 18 consists of changes in the organization or reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to:

- (a) Establishment of a subsidiary district.
- (b) Consolidation of two or more districts having identical powers.
- (c) Merger with a city of a district lying entirely within the boundaries of the city.

**Class 19: Enforcement Actions by Regulatory Agencies.** Class 19 consists of actions by regulatory agencies to enforce or revoke a lease, permit, license, certificate, or other entitlement for use issued, adopted or prescribed by the regulatory agency or law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to, the following:

- (a) The direct referral of a violation of lease, permit, license, certificate, or entitlement for use or of a general rule, standard, or objective to the Attorney General, District Attorney, or City Attorney as appropriate, for judicial enforcement.
- (b) The adoption of an administrative decision or order enforcing or revoking the lease, permit, license, certificate, or entitlement for use or enforcing the general rule, standard, or objective.

Construction activities undertaken by the public agency taking the enforcement or revocation action are not included in this exemption.

Class 20: Normal Operations of Facilities For Public Gatherings. Class 20 consists of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same kind of purpose. Facilities included within this exemption include, but are not limited to racetracks, stadiums, convention centers, auditoriums, amphitheaters, planetariums, swimming pools and amusement parks.

G. Listing of Specific Activities

The Environmental Assessment Committee shall prepare a list of specific activities which fall within each of the exempt classes, which list shall be on file in the Office of the Director of Planning and Community Development of the City of Modesto. Said specific activities shall be categorically exempt unless the decision-making body or the City Council pursuant to an appeal determines otherwise. Said body shall direct the Committee to file a Notice and Certificate of Determination of Exemption from Environmental Assessment, a Notice of a Negative Declaration, or a Notice Requiring an Environmental Impact Report, whichever shall be consistent with its findings.

SECTION IV. PROJECTS REQUIRING ENVIRONMENTAL ASSESSMENTS

The following is a list of types of projects which require an Environmental Assessment. The Environmental Assessment Committee either makes a Negative Declaration or requires an EIR because the project may have a significant effect. The assessment procedures, timing, fees, etc. are set forth in Section V.

A. New Public and Private Projects

All public projects by public agencies and private projects which are discretionary projects shall require environmental assessments excepting those identified in Section III. Using the environmental assessment check list (Exhibit A), if it is found that the project may have a significant effect, an EIR shall be required.

B. Categorical Exemptions That DO NOT Apply

Categorical exemption classes 3, 4, 5, and 11 as set forth in Section III F, are qualified by consideration of both where the project is to be located and the cumulative impact of successive projects of the same type in the same place over a period of time. Projects in these classes on lands that abut or are within the Tuolumne River or Dry Creek flood plains are in this qualified category and are not exempt from environmental assessment. Other specific environmental resources or hazards identified by the City from time to time may be mapped, officially adopted and made subject to this qualified category.

A. Initial Screening

When a project as defined in Section II is submitted to the City, or when the City intends to carry out a project, an initial screening shall be made by the appropriate department to determine whether or not the project requires an environmental assessment. Those projects requiring environmental assessments shall be reviewed by the Environmental Assessment Committee prior to further processing. If requested by the person or public agency who submitted the project, within seven (7) days thereafter the Committee shall cause to be filed a NOTICE AND CERTIFICATE OF DETERMINATION OF EXEMPTION FROM ENVIRONMENTAL ASSESSMENT, (Exhibit A) for projects which are exempt. For projects requiring environmental assessments, the person or public agency who submitted the project shall submit a completed ENVIRONMENTAL INFORMATION FORM, (Exhibit B).

B. Review of the Environmental Assessment Committee (EAC)

The Environmental Assessment Committee (EAC) shall proceed with project review once it has accepted as complete, the Environmental Information Form.

The EAC shall use the Environmental Checklist (Exhibit C) as EAC input to the Initial Study to find whether the project has significant effect on the environment, or may use an Initial Study prepared pursuant to the National Environmental Policy Act.

When more than one public agency will be involved in undertaking or approving a project, the City shall consult with all Responsible Agencies (i.e., all the other public agencies involved in carrying out or approving the project) before completing a draft EIR or adopting a Negative Declaration. Consultation is designed to insure that the EIR or Negative Declaration will reflect the concerns of all Responsible Agencies which will issue approvals for the project.

After completing the Environmental Checklist, the EAC shall complete the Environmental Assessment Committee Initial Study and Findings sheet (Exhibit D).

1. If the Environmental Assessment Committee finds that the proposed project will not have a significant effect on the environment, it shall do the following:
  - (a) File Exhibits D, C, B as a package (Findings) with the Stanislaus County Clerk and the person or public agency who submitted the project within seven (7) days following completion of the Committee's review.

- (b) Notice. Notice of the preparation of a Negative Declaration shall be provided to the public within a reasonable period of time prior to final adoption by the City of the Negative Declaration. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given by publication by the City in a newspaper of general circulation in the area affected by the proposed project.
- (c) If a written public response has been filed with the City Clerk within fifteen (15) days from the date of filing such Findings with the Stanislaus County Clerk, the Committee shall within seven (7) days consider the responses and reconsider its Findings.
- (d) After such reconsideration, or if no written public response has been filed with the City Clerk within said fifteen (15) days, the Committee shall then file Findings with the decision-making body. The decision-making body shall review the Findings, any written public responses and Committee's comments, and take one of two (2) actions:
- (i) Certify the Findings and direct the filing of a Notice of Determination with the Stanislaus County Clerk. If the project requires discretionary approvals from a State agency, the Notice of Determination also shall be filed with the Secretary of Resources.
  - (ii) Determine that an EIR is required and file such Findings with the Stanislaus County Clerk and the person or public agency who submitted the project. The project shall then proceed with the EIR process contained in Section VI of these guidelines.
2. If the Environmental Assessment Committee finds that the proposed project may have a significant effect on the environment, the Committee shall do the following:
- (a) File Exhibits D, C, B as a package (Findings) within seven (7) days following completion of the Committee's review.
  - (b) The project shall then proceed in accordance with the EIR process contained in Section VI of these Guidelines unless on appeal to City Council it is determined that the proposed project will not have a significant effect on the environment and that no EIR is required. In that case the City Council shall prepare environmental assessment findings in accordance with said determination to be filed by the City Clerk with the Stanislaus County Clerk pursuant to paragraph B. 1(a) of this section within 105 days of the acceptance of the application as complete.

1. PROJECTS OF STATEWIDE, REGIONAL OR AREAWIDE SIGNIFICANCE.

(a) Projects meeting the criteria in this section shall be deemed to be of statewide, regional or areawide significance. EIR's or Negative Declarations prepared by the City on a project described in this section shall be submitted to the State Office of Planning and Research (State Clearinghouse) and should be submitted also to SAAG (Metropolitan Clearinghouse) for review and comment.

(b) The City shall determine that a proposed project is of statewide, regional, or areawide significance if the project meets any of the following criteria:

(i) A proposed local general plan, element, or amendment thereof for which an EIR was prepared.

(ii) A project which would interfere with the attainment or maintenance of State or national air quality standards including:

(aa) A proposed residential development of more than 500 dwelling units.

(ab) A proposed shopping center or business establishment employing more than 1,000 persons or encompassing more than 500,000 square feet of floor space.

(ac) A proposed commercial office building employing more than 1,000 persons or encompassing more than 250,000 square feet of floor space.

(ad) A proposed hotel/motel development of more than 500 rooms.

(ae) A proposed industrial manufacturing or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area.

(iii) A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act) for any parcel of 100 or more acres.

(iv) A project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for rare and endangered species as defined by Fish and Game Code Section 903.

(v) A project which would interfere with attainment of regional water quality standards as stated in the approved areawide waste water management plan.

2. Subsequent EIR. Where an EIR or Negative Declaration has been prepared, no additional EIR need be prepared unless:

(a) Substantial changes are proposed in the project which will require major revisions of the EIR, due to the involvement of new environmental impacts not considered in a previous EIR on the project;

(b) There are substantial changes with respect to the circumstances under which the project is to be undertaken, such as a change in the proposed location of the project, which will require major revisions in the EIR due to the involvement of new environmental impacts not covered in a previous EIR; or

(c) New information of substantial importance to the project becomes available, and:

(i) The information was not known and could not have been known at the time the EIR was certified as complete or the Negative Declaration was adopted, and

(ii) The new information shows any of the following:

(aa) The project will have one or more significant effects not discussed previously in the EIR,

(ab) Significant effects previously examined will be more severe than shown in the EIR,

(ac) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, or

(ad) Mitigation measures or alternatives which were not previously considered in the EIR would substantially lessen one or more significant effects on the environment.

(d) When a subsequent EIR is required by this Subsection 2;

(i) If the EIR or Negative Declaration has been completed but the project has not yet been approved, the Lead Agency shall prepare or cause to be prepared the subsequent EIR before approving the project.

(12) If the project was approved prior to the occurrence of the conditions described in subsection (a), the subsequent EIR shall be prepared by the public agency which grants the next discretionary approval for the project. In this situation no other Responsible Agency shall grant an approval for the project until the subsequent EIR has been completed.

3. Use of a Single EIR. The City may employ a single EIR to describe more than one project, if such projects are essentially the same in terms of environmental impact. Further, the City may use an earlier EIR prepared in connection with an earlier project to apply to a later project, if the circumstances of the projects are essentially the same. The City may elect to write EIRs in advance for entire programs or regulations, in order to be prepared for project applications to come. Whenever the City chooses to utilize any of these alternatives, however, it must find that the environmental effects of the projects are similar enough to warrant the same treatment in an EIR and that the EIR will adequately cover the impacts of any single project. If these tests are not met, the City should supplement the EIR it prepares for a program to apply it to an individual project.
4. Use of a General Plan EIR With Subsequent Projects. The EIR on a general plan may be used as the foundation document for EIRs subsequently prepared for specific projects within the geographic area covered by the general plan. The subsequent EIRs may reference and summarize material in the EIR on the general plan for the description of the general environmental setting and as much of the description of the environmental impacts as applies to the specific project. Detailed information in the EIR on the specific project may be limited to a description of the project, the specific environmental setting and those impacts which are not adequately described for the specific project in the EIR on the general plan. When a subsequent EIR refers to an EIR on the general plan for part of its description of the environment and the environmental impacts, copies of the EIR on the general plan shall be made available to the public in a number of locations in the community and to any clearinghouses which will assist in public review of the EIR. The purpose of this section is not to restrict analysis of environmental issues but is to avoid the necessity for repeating detail from a General Plan EIR.
5. Multiple and Phased Projects. Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the City must prepare a single EIR for the ultimate project. Where an individual project is a necessary precedent for action on a larger project, or commits the City to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of the City but is not deemed a part of a larger undertaking or a larger project, the City may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

6. Staged EIR.

- (a) Where a large capital project will require a number of discretionary approvals from governmental agencies and one of the approvals will occur more than 2 years before construction will begin, a staged EIR may be prepared covering the entire project in a general form. The staged EIR should evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the City for approval shall be discussed with a greater degree of specificity.
- (b) When a staged EIR has been prepared, a supplement to the EIR shall be prepared when a later approval is required for the project, and the information available at the time of the later approval would permit consideration of additional environmental impacts, mitigation measures, reasonable alternatives to the project.
- (c) Where a statute such as the Warren-Alquist Energy Resources Conservation and Development Act provides that a specific agency shall be the Lead Agency for a project and requires the Lead Agency to prepare an EIR, a Responsible Agency which must grant an approval for the project before the Lead Agency has completed the EIR may prepare and consider a staged EIR.

7. Process for a Responsible Agency.

- (a) General. A Responsible Agency complies with CEQA by considering documents prepared by the Lead Agency and by reaching its own conclusions on whether and how to approve the project involved. This section identifies the special duties an agency will have when acting as a Responsible Agency.
- (b) Response to Consultation. A Responsible Agency shall respond to consultation by the Lead Agency in order to assist the Lead Agency in preparing adequate environmental documents for the project. By this means, the Responsible Agency will ensure that the documents it will use will comply with CEQA.
  - (i) In response to consultation, a Responsible Agency shall explain its reasons for recommending whether the Lead Agency should prepare an EIR or Negative Declaration for a project. Where the Responsible Agency disagrees with the Lead Agency's proposal to prepare a Negative Declaration for a project, the Responsible Agency should identify the significant environmental effects which it believes could result from the project and recommend either that an EIR be prepared or that the project be modified to eliminate the significant effects.

(11). If, as soon as possible, but not later than 45 days after receiving a Notice of Preparation from the Lead Agency, the Responsible Agency shall send a written reply by certified mail. The reply shall specify the scope and content of the environmental information which would be germane to the Responsible Agency's statutory responsibilities in connection with the proposed project. The Lead Agency shall include this information in the EIR.

- (c) Meetings. The Responsible Agency shall designate employees or representatives to attend meetings requested by the Lead Agency to discuss the scope and content of the EIR.
- (d) Comments on Draft EIRS and Negative Declarations. A Responsible Agency should review and comment on Draft EIRs and Negative Declarations for projects which the Responsible Agency would later be asked to approve. Comments should focus on any shortcomings in the EIR, the appropriateness of using a Negative Declaration, or on additional alternatives or mitigation measures which the EIR should include. The comments may deal with any aspect of the project or its environmental effects.
- (e) Decision on Adequacy of EIR or Negative Declaration. If a Responsible Agency believes that the Final EIR or Negative Declaration prepared by the Lead Agency is not adequate for use by the Responsible Agency, the Responsible Agency must either:
- (i) Take the issue to court within 30 days after the Lead Agency files a Notice of Determination,
  - (ii) Be deemed to have waived any objection to the adequacy of the EIR or Negative Declaration, or
  - (iii) Prepare a subsequent EIR if permissible as noted in previous Subsection V C 2.
- (f) Consider the EIR or Negative Declaration. Prior to reaching a decision on the project, the Responsible Agency must consider the environmental effects of the project as shown in the EIR or Negative Declaration. A new or supplemental EIR can be prepared only as provided in previous Subsection V C 2.
- (g) Adoption of Alternatives or Mitigation Measures. When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measure within its powers that would substantially lessen any significant effect the project would have on the environment. When considering alternatives and mitigation measures, a Responsible Agency is more limited than a Lead Agency. In deciding whether to carry out, finance, or approve a project, a Responsible Agency has responsibility for mitigating or avoiding only the environmental effects of those activities which are within the scope of its statutory authorities.

(h) Findings. The Responsible Agency shall make the findings required by Subsection VI B 6 for each significant effect of the project and shall make the findings in Subsection VI B 4 if necessary.

(i) Notice of Determination. The Responsible Agency should file a Notice of Determination in the same manner as a Lead Agency under Subsection V (B) 1 or Subsection VI C 5.

#### 8. Rezoning and Subsequent Annexation

Where the City has rezoned an area, the City will be the Lead Agency for any subsequent annexation of the area. The Stanislaus County Local Agency Formation Commission, (L.A.F.C.O.), shall be a Responsible Agency.

The City shall prepare environmental documents at the time of the rezoning, after consultation with L.A.F.C.O. as required at Section V B.

#### 9. Responsible Agency Assuming Lead Agency Role

Where a Responsible Agency is called on to grant an approval for a project subject to CEQA for which another public agency was the appropriate Lead Agency, the Responsible Agency shall begin to act as the Lead Agency when any of the following conditions occur:

- (a) The Lead Agency did not prepare any environmental documents for the project, and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
- (b) The Lead Agency prepared environmental documents for the project, but the following conditions occur:
  - (i) A subsequent EIR is required pursuant to Section V C 2,
  - (ii) The Lead Agency has granted a final approval for the project, and
  - (iii) The statute of limitations for challenging the Lead Agency's action under CEQA has expired.
- (c) The Lead Agency prepared inadequate environmental documents without consulting with the Responsible Agency as required by Section V B and the statute of limitations has expired for a challenge to the action of the appropriate Lead Agency.
- (d) Fees. Fees shall be charged to the project applicant for environmental assessments and EIR's as established by City Council resolution from time to time.

### SECTION VI. ENVIRONMENTAL IMPACT REPORTS, TIMING, FEES

#### A. General

Section V outlines the preliminary steps that must be taken prior to the submission of a Draft EIR.

Section VII specifies the contents required in a Draft EIR and a Final EIR.

1. Draft EIR Preparation

- (a) The City shall prepare the Draft EIR. For projects defined at Subsection II X 3, the applicant shall deposit with the City Director of Finance such fees as are authorized by Subsection VI D. Preparation of the Draft EIR will then be initiated. Failure to deposit fees within 180 days of the filing of the Initial Study as specified at Subsection V B 2 (a) invalidates the Initial Study, and the applicant must file a subsequent Environmental Information Form reinitiating the review process as described at Section V.
- (b) After determining that an EIR will be required for a project, the City shall send a Notice of Preparation to each Responsible Agency and consult with the Responsible Agencies as required by Section 2, below.
- (c) Prior to completing the Draft EIR, the City should also consult directly with any person or organization it believes will be concerned with the environmental effects of the project.
- (d) For projects where federal involvement might require preparation of a federal EIS, the Lead Agency under CEQA shall consult with the appropriate federal agencies. If both an EIR and EIS are needed, the documents should be prepared jointly where federal regulations or procedures allow. Preparation of a separate EIR and EIS for the same project should be avoided, if possible.

2. Responsible Agency

- (a) Immediately after deciding that an environmental impact report is required for a project, the Lead Agency shall send to each Responsible Agency by certified mail a Notice of Preparation stating that an environmental impact report will be prepared. This notice shall also be sent to every federal agency involved in approving or funding the project.
- (b) The Notice of Preparation shall provide the Responsible Agencies with sufficient information describing the project and the environmental effects to enable the Responsible Agencies to make a meaningful response. At a minimum, the information should include:
  - (i) Description of the project,
  - (ii) Location of the project, and
  - (iii) Probable environmental effects of the project.

- (c) A sample format for a Notice of Preparation is shown in Exhibit G. A copy of the Initial Study may be sent with the notice to supply the necessary information.
- (d) The City may begin work on the draft EIR immediately without awaiting responses to the Notice of Preparation. The Draft EIR in preparation may need to be revised or expanded to conform to responses to the Notice of Preparation.
- (e) The Responsible Agency shall designate employees or representatives to attend meetings, if requested by the Lead Agency, to discuss the scope and content of the EIR. Such meetings shall be convened by the Lead Agency as soon as possible, but no later than 30 days after the meetings were requested.
- (f) When one or more state agencies will be a Responsible Agency, the Lead Agency shall send a Notice of Preparation by certified mail to each state Responsible Agency with a copy to the State Clearinghouse in the Office of Planning and Research.
- (g) Upon completion of the initial draft of an EIR, a copy shall be provided the project applicant and each member of the EAC. No later than 21 days after receipt of the initial draft of an EIR, the EAC shall determine additional information required, if any. The information, once completed, shall also be considered by the EAC, as necessary. EAC approval of an initial draft of an EIR is necessary to produce a Draft EIR.

### 3. Review of Draft EIR

After Draft EIR has been approved as complete by the Environmental Assessment Committee, the City shall, within 7 days, file a Notice of Completion of Draft EIR (Exhibit E) with the Stanislaus County Clerk and with the Secretary of the California Resources Agency.

The City shall provide public notice of the completion of a Draft EIR at the same time as it sends a Notice of Completion to the Resources Agency. Notice shall be given to all organizations and individuals who have previously requested such notice and shall also be given once by publication by the City in a newspaper of general circulation in the area affected by the proposed project.

### 4. Distribution of Draft EIR

Distribution of copies of Draft EIR shall be made as follows:

- (a) Three copies shall be filed with the City Clerk for the official record and general public review.
- (b) One copy shall be sent to the person or public agency who submitted the project.
- (c) One copy shall be sent to each person and public agency designated by the Environmental Assessment Committee based on the list attached to Draft EIR.

(d) One copy shall be sent to the responsible agency, if any, who shall file written comments on the Draft EIR with the City Clerk.

(e) Two copies shall be sent to the Modesto Stanislaus County Library.

(f) If required, a project determined to be of statewide, regional or areawide significance (Section V C1), one copy shall be sent to SAAG and another to the State Office of Planning and Research.

## 5. Public Review of Draft EIR

The public shall have 30 days from the date of filing a Notice of Completion of Draft EIR with the Stanislaus County Clerk to submit written comments on Draft EIR to the City Clerk. The City shall evaluate comments received and prepare Final EIR.

## C. Processing of Final EIR

### 1. Distribution of Final EIR

Distribution of copies of Final EIR shall be made as follows:

- (a) One copy shall be filed with the City Clerk for the official record and for public inspection.
- (b) One copy shall be sent to the person or public agency who submitted the project.
- (c) Copies shall be presented to the City Council, Board of Zoning Adjustment, or Planning Commission, whichever is the decision-making body for the project.
- (d) One copy shall be sent to the State office of Planning and Research, if Draft EIR also referred (Subsection 4 (f) above).

### 2. Public Hearing

The decision-making body for the project may determine a public hearing is desirable, prior to the certification of Final EIR, in order to assure adequate public participation in the evaluation of a project.

### 3. Certification

The decision-making body shall certify the Final EIR and consider the contents thereof when it makes a decision on a project. Certification shall occur within one year of acceptance of an application as complete.

### 4. Statement of Overriding Considerations.

- (a) CEQA requires the decision maker to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. Where agencies have taken action resulting in environmental damage without explaining the reasons which supported the decision, courts have invalidated the action.

(b) Where a decision of the City allows for occurrence of significant effects identified in the Final EIR without mitigation, the City must state in writing the reasons to support its action based on the Final EIR and other information in the record.

(c) If the City makes a statement of overriding consideration, the statement should be included in the record of the project approval and in the Notice of Determination as required in Subsection 6, below.

## 5. Filing Notice

After making a decision on the project, the City shall file a Notice of Determination (Exhibit F) with the Stanislaus County Clerk. If the project requires discretionary approval from a State Agency, the Notice shall also be filed with the Secretary for Resources. Such notice shall include:

- (a) An identification of the project by its common name, where possible;
- (b) The decision of whether the project was approved or disapproved.
- (c) The determination of whether the project will have a significant effect on the environment.
- (d) That Final EIR was prepared pursuant to these Guidelines and the California Environmental Quality Act and certified by the decision-making body.
- (e) Whether or not Findings of Significant Effect and Mitigation Measures have been prepared.

## 6. Findings.

(a) If the environmental impact report identifies one or more significant effects of the project the Notice of Determination shall include one or more of the following written findings for each of those significant effects, accompanied by a statement of the facts supporting each finding. These findings shall be supported by substantial evidence in the record.

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects thereof as identified in the Final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, social, or other considerations make unfeasible the mitigation measures or project alternatives identified in the Final EIR.

**D. Fees**

*Fees shall be charged to the project applicant for costs incurred in EIR Preparation and review and may be charged to members of the public for costs of reproducing a copy of an EIR upon request of a member of the public; as established by City Council resolution from time to time.*

The preparation of an Environmental Impact Report consists of a two-step process: a Draft EIR and Final EIR.

A. General

1. The EIR shall emphasize study of the impacts determined to be significant and can omit further examination of those impacts found to be clearly insignificant in the Initial Study.
2. Environmental Impact Reports shall contain the information outlined in this section. Each element must be covered, and when these elements are not separated into distinct sections, the document shall state where in the document each element is discussed.
3. Each report shall contain a brief summary of the proposed action and its consequences in language sufficiently simple that the issues can be understood by the average member of the lay public. The EIR shall also contain a table of contents or an index.
4. The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be available for public examination and shall be submitted to all clearinghouses which assist in public review.
5. The EIR should be prepared using a systematic, interdisciplinary approach. The interdisciplinary analysis shall be conducted by competent individuals, but no single discipline shall be designated or required to undertake this evaluation. Preparation of EIRs is dependent upon information from many sources, including the engineering project report and many scientific documents relating to environmental features. The EIR shall reference all documents used in its preparation including where possible, a citation to the page and section number of any technical reports which were used as the basis for any statements in the EIR.
6. The EIR should discuss environmental effects in proportion to their severity and probability of occurrence. Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the City subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study shall be attached to the EIR to provide the basis for limiting the impacts discussed.
7. An EIR shall contain a statement briefly indicating the reasons for determining that various effects of a project that could possibly

8. Drafting an EIR necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.
9. If, after thorough investigation, the City finds that a particular impact is too speculative for evaluation, the City should note its conclusion and terminate discussion of the impact.
10. Incorporation by Reference.
  - (a) An EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR.
  - (b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in the office of the Director of Planning and Community Development.
  - (c) Where an EIR uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

B. Contents of Draft EIR

A Draft EIR shall contain the following information:

1. Description of Project

The description of the project shall contain the following information, but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

- (a) The precise location and boundaries of the proposed project shall be shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.
- (b) A statement of the objectives sought by the proposed project.
- (c) A general description of the project's technical, economical and environmental characteristics, considering the principal

engineering proposals and including a description of supporting public service facilities.

## 2. Description of Environmental Setting

An EIR must include a description of the environment in the vicinity of the project, as it exists before commencement of the project, from both a local and regional perspective. Knowledge of the regional setting is critical to the assessment of environmental impacts. Special emphasis should be placed on environmental resources that are rare or unique to that region. Specific reference to related projects, both public and private, both existent and planned, in the region, should also be included, for purposes of examining the possible cumulative impact of such projects.

Describe water quality aspects of the proposed project which have been previously certified by the appropriate state or interstate organization as being in substantial compliance with applicable water quality standards.

## 3. Environmental Impact

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development and operation. The following subjects shall be discussed, preferably in separate sections or paragraphs. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

- (a) **The Significant Environmental Effects Of The Proposed Project.** Describe the direct and indirect significant effects of the project on the environment, giving due consideration to both the short-term and long-term effects. It should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development) and other aspects of the resource base such as water, scenic quality and public services. Cumulative effects shall also be discussed when found to be significant.
- (b) **Any Significant Environmental Effects Which Cannot Be Avoided If The Proposal Is Implemented:** Describe any significant impacts, including those which can be reduced to an insignificant level but not eliminated. Where there are impacts that cannot be alleviated without imposing an alternative design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be

- (c) *Mitigation Measures Proposed To Minimize The Significant Effects: Describe significant, avoidable, impacts, including inefficient and unnecessary consumption of energy, and measures to minimize these impacts. The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures that are not included but could reasonably be expected to reduce adverse impacts. This discussion shall include an identification of the acceptable levels to which such impacts will be reduced, and the basis upon which such levels were identified. Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure one should be identified. Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix H.*
- (d) Alternatives To The Proposed Action: Describe all reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, and why they were rejected in favor of the ultimate choice. The specific alternative of "no project" must also always be evaluated, along with the impact. The discussion of alternative shall include alternatives capable of substantially reducing or eliminating any significant environmental effects, even if these alternatives substantially impede the attainment of the project objectives, and are more costly.
- (e) The Growth-Inducing Impact of the Proposed Action: Discuss the ways in which the proposed project could foster economic or population growth, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). Increases in the population may further tax existing community service facilities so consideration must be given to this impact. Also discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.
- (f) Limitation on Discussion: The following information needs to be provided only for a Federal EIS or an EIR regarding the adoption, amendment, or enactment of a plan, policy, or ordinance of the City of Modesto:
- (i) The Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity:

Describe the cumulative and long-term effects of the proposed project which adversely affect the state of the environment. Special attention should be given to impacts which narrow the range of beneficial uses of the environment or pose long-term risks to health or safety. In addition, the reasons why the proposed project is believed by the sponsor to be justified now, rather than reserving an option for further alternatives, should be explained.

(ii) Any Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Action Should it be Implemented:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as a highway improvement which provides access to a nonaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.

4. Effects Found Not To Be Significant

An EIR shall contain a statement briefly indicating the reasons that various possibly significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. Such a statement may be contained in an attached copy of an Initial Study.

5. Organizations and Persons Consulted

The identity of all federal, state or local agencies, other organizations and private individuals consulted in preparing Draft EIR, and the identity of the person, firm or agency preparing Draft EIR, by contract or other authorization, must be given.

6. Initial Study and Findings

Exhibits D, C, and B shall be attached as an Appendix, as part of the Draft EIR.

C. Contents of Final EIR

1. The Final EIR shall consist of:

(a) The Draft EIR or a revision of the draft.

(b) Comments and recommendations received on the Draft EIR either verbatim or in summary.

*(c) A list of persons, organizations and public agencies commenting on the Draft EIR.*

*(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process.*

2. The response of the City to comments received may take the form of a revision of Draft EIR or may be an attachment to Draft EIR. The response shall describe the disposition of significant environmental issues raised (e.g. revisions to the proposed project to mitigate anticipated impacts or objections). In particular the major issues raised when the City's position is at variance with recommendations and objections raised in the comments, must be addressed in detail giving reasons why specific comments and suggestions were not accepted, and factors of overriding importance warranting an override of the suggestions.
3. Comments on Draft EIR received either through the review process or independently shall be kept on file in the office of the City Clerk, City Hall, 801 Eleventh Street, Modesto, California, for a reasonable period of time and made available for public inspection at said office. A notice of the availability of such comments for inspection shall be included in Final EIR.

City of Modesto  
NOTICE AND CERTIFICATION OF DETERMINATION  
OF EXEMPTION FROM ENVIRONMENTAL ASSESSMENT

Filed with Stanislaus  
County Clerk

To: Stanislaus County Clerk

From: City of Modesto

Subject: Notice and certification of determination  
of Exemption from Environmental Assessment.

E. A. No. \_\_\_\_\_

Project Title	
Contact Person	Telephone Number
Project Location	
Project Description	

This is to advise that the City of Modesto has determined that the above described project is exempt from environmental assessment

Exempt Status: (Check one)

Ongoing Project (Section III A)

Feasibility or Planning Study (Section III B)

Emergency Project (Section III C)

Ministerial Project (Section III D)

Categorical Exemption (Section III F) State class number and  
title: \_\_\_\_\_

Reason why project is exempt: \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

Date Received for Filing

GENERAL INFORMATION

1. Type of Project: \_\_\_\_\_  
\_\_\_\_\_
2. Name, address and telephone number of developer or project sponsor: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Address or location of project: \_\_\_\_\_  
\_\_\_\_\_
4. Name, address and telephone number of owner: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. List and describe any permits and other public approvals required for this project by County, State and Federal agencies: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROJECT DESCRIPTION (Supplemental pages should be added where additional space is required to adequately answer items 7 thru 25. If item does not apply, indicate by N/A)

6. Attach plot plan. (May include information required by Items 8 thru 15)
7. Site Size.
8. Square footage of buildings or structures.
9. Number of floors of construction.
10. Amount of off-street parking provided.
11. Anticipated incremental development.
12. If residential, include the number of units, schedule of unit sizes by bedrooms.
13. If commercial, indicate the use.
14. If industrial, indicate type or character of products or use.
15. If institutional, indicate the major function.

Are the following items applicable to the project or its effects? Discuss all items checked yes (Use supplemental pages as required).

Yes No

- 16. Project is within 200 feet of Dry Creek or the Tuolumne River or is located, entirely or in part, within a Designated Floodway as determined by the State Reclamation Board.
- 17. Project changes character from that identified in the Urban Area General Plan.
- 18. Project produces significant amounts of solid waste or litter.
- 19. Project produces dust, ash, smoke, fumes or odors in vicinity.
- 20. Project produces changes in existing noise or vibration levels in the vicinity.
- 21. Project produces changes in stream or ground water quality or quantity, or alteration of existing drainage patterns.
- 22. Site on filled land or on slope of 10 percent or more.
- 23. Use or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives.
- 24. Change in demand for public services (police, fire, water, sewage, schools, etc.) from that anticipated by Urban Area General Plan.
- 25. Related to a larger project or series of projects.

ENVIRONMENTAL SETTING (Attach additional pages as necessary)

- 26. Describe the project site as it exists before the project. Describe any existing structures on the site, and the use of the structures. Photographs of the site may be used to supplement descriptions. Snapshots or polaroid photos will be accepted.
- 27. Describe the surrounding zoning and land use.

CERTIFICATION: I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements and information presented are true and correct to the best of my knowledge and belief.

Date \_\_\_\_\_

\_\_\_\_\_  
(Signature)

I. ENVIRONMENTAL IMPACTS BEYOND THOSE ANTICIPATED BY DEVELOPMENT IN ACCORDANCE WITH THE URBAN AREA GENERAL PLAN (Discussion of all "Yes" and "Maybe" answers are required on attached sheets if negative declaration is filed. Discussion is optional if EIR is required.)

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
1. <u>Earth</u> . Will the project significantly result in:			
a. The destruction, covering or modification of any unique geologic or physical features?	---	---	---
b. The increase in wind or water erosion of soils, either on or off the site?	---	---	---
c. Changes in siltation or deposition which may modify the channel of a river or stream?	---	---	---
2. <u>Air</u> . Will the project significantly result in:			
a. Air emissions or deterioration of ambient air quality?	---	---	---
b. The creation of objectionable odors?	---	---	---
3. <u>Water</u> . Will the project significantly result in:			
a. Changes in absorption rates, drainage patterns or the rate and amount of surface water runoffs?	---	---	---
b. Alterations to the course or flow of flood waters?	---	---	---
c. Discharge into surface waters, or the alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	---	---	---
d. Change in the quantity of ground waters, either through direct additions or withdrawals?	---	---	---
4. <u>Plant Life</u> . Will the project significantly result in:			
a. Reduction of the numbers of any unique, rare or endangered species of plants?	---	---	---
b. Reduction in acreage of any agricultural crop?	---	---	---
5. <u>Animal Life</u> . Will the project significantly result in:			
a. Reduction of the numbers of any unique, rare or endangered species of animals?	---	---	---
b. Deterioration to existing fish or wildlife habitat?	---	---	---

Questions are tested against General Plan Standards. Yes and maybe answers suggest environmental impacts beyond those anticipated by the General Plan.

- |     |   |       |       |       |
|-----|---|-------|-------|-------|
| 6.  | <u>Noise.</u> Will the project significantly increase existing noise levels?  | _____ | _____ | _____ |
| 7.  | <u>Light and Glare.</u> Will the project produce unusual light or glare?  | _____ | _____ | _____ |
| 8.  | <u>Land Use.</u>  |       |       |       |
|     | a. Is the project outside the adopted Urban Area General Plan?  | _____ | _____ | _____ |
|     | b. Could the project cause or result in growth beyond that anticipated by the Urban Area General Plan or neighborhood zoning and development plan?  | _____ | _____ | _____ |
|     | c. Could the project cause a change in land use not anticipated by the Urban Area General Plan or a neighborhood zoning and development plan?   | _____ | _____ | _____ |
|     | d. Could the project conflict with the Urban Area General Plan or a neighborhood zoning and development plan?   | _____ | _____ | _____ |
|     | e. Could the project adversely affect the functioning of an established neighborhood as delineated in the General Plan?   | _____ | _____ | _____ |
| 9.  | <u>Natural Resources.</u> Will the project result in:   |       |       |       |
|     | a. Significant increase in the rate of use of any natural resources?  | _____ | _____ | _____ |
|     | b. Significant depletion of any nonrenewable natural resources?   | _____ | _____ | _____ |
| 10. | <u>Hazard.</u> Does the project involve 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? | _____ | _____ | _____ |
| 11. | <u>Population.</u> Will the project significantly alter the location, distribution, density, or growth rate of the population of an area?   | _____ | _____ | _____ |
| 12. | <u>Housing.</u> Will the project significantly affect existing housing, or create a demand for additional housing?  | _____ | _____ | _____ |
| 13. | <u>Transportation/Circulation.</u> Will the project result in significant:  |       |       |       |
|     | a. Generation of additional vehicular movement?   | _____ | _____ | _____ |

Questions are tested against General Plan Standards. Yes and maybe answers suggest environmental impacts beyond that anticipated by the General Plan.

- b. Impact on existing parking facilities, or demand for new parking? \_\_\_ \_\_\_ \_\_\_
- c. Impact upon existing transportation systems? \_\_\_ \_\_\_ \_\_\_
- d. Alterations to present patterns of circulation or movement of people and/or goods? \_\_\_ \_\_\_ \_\_\_
- e. Alterations to rail or air traffic? \_\_\_ \_\_\_ \_\_\_
- f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians? \_\_\_ \_\_\_ \_\_\_
  
- 14. Public Services. Will the project have a significant effect upon, or result in a need for significantly new or altered governmental services in any of the following areas:
  - a. Fire protection? \_\_\_ \_\_\_ \_\_\_
  - b. Police protection? \_\_\_ \_\_\_ \_\_\_
  - c. Schools? \_\_\_ \_\_\_ \_\_\_
  - d. Parks or other recreational facilities? \_\_\_ \_\_\_ \_\_\_
  - e. Maintenance of public facilities? \_\_\_ \_\_\_ \_\_\_
  - f. Other governmental services? \_\_\_ \_\_\_ \_\_\_
  
- 15. Energy. Will the project result in:
  - a. Use of substantial amounts of fuel or energy? \_\_\_ \_\_\_ \_\_\_
  - b. Substantial demand upon existing sources of energy, or require the development of new sources of energy? \_\_\_ \_\_\_ \_\_\_
  
- 16. Utilities. Will the project result in a significant need for new systems, or alterations to the following utilities:
  - a. Power or natural gas? \_\_\_ \_\_\_ \_\_\_
  - b. Communications systems? \_\_\_ \_\_\_ \_\_\_
  - c. Water? \_\_\_ \_\_\_ \_\_\_
  - d. Sewer or septic tanks? \_\_\_ \_\_\_ \_\_\_
  - e. Storm water drainage? \_\_\_ \_\_\_ \_\_\_
  - f. Solid waste and disposal? \_\_\_ \_\_\_ \_\_\_
  
- 17. Health. Will the project result in the creation of any health hazard or potential health hazard? \_\_\_ \_\_\_ \_\_\_

Questions are tested against General Plan Standards. Yes and maybe answers suggest environmental impacts beyond that anticipated by the General Plan.

18. Aesthetics. Will the project adversely affect an area of important aesthetic value? \_\_\_\_\_

19. Recreation. Will the project result in an impact upon the quality or quantity of existing recreational facilities? \_\_\_\_\_

20. Archeological/Historical. Will the project result in an alteration of a significant archeological or historical site, structure, object or building? \_\_\_\_\_

21. Mandatory Findings of Significance.

a. Does the project have the potential to degrade the quality of the environment, or curtail the diversity in the environment? \_\_\_\_\_

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? \_\_\_\_\_

c. Does the project have impacts which are individually limited, but cumulatively considerable? \_\_\_\_\_

d. Does the project have environmental effects which will cause substantial adverse effects on people, either directly or indirectly? \_\_\_\_\_

Questions are tested against General Plan Standards. Yes and maybe answers suggest environmental impacts beyond that anticipated by the General Plan.

## II. DISCUSSION OF ENVIRONMENTAL EVALUATION

ENVIRONMENTAL ASSESSMENT COMMITTEE  
INITIAL STUDY AND FINDINGS

Filed with Stanislaus  
County Clerk

Type of Project:

Location:

Brief Description of Proposed Project:

15 Days for Public  
Response Ends:

Date: \_\_\_\_\_

E. A. No. \_\_\_\_\_

Findings:

- Negative Declaration - The project will not have a significant effect on the environment.
- Negative Declaration - Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures or explanation given on the attached sheet.
- EIR Required - - - - - The project may have a significant effect on the environment and an Environmental Impact Report is required.

Public Response to Negative Declaration:

The Environmental Assessment Committee prepares the Initial Study, copies of which may be obtained from the City Clerk, City of Modesto. Anyone wishing to respond to the finding of a negative declaration may do so within 15 days of the date of the filing of these Findings with the Stanislaus County Clerk. This response must be in writing and filed with the City Clerk, City of Modesto, P. O. Box 642, Modesto, CA 95353, and shall name the project as above and the date of filing these findings with the Stanislaus County Clerk.

CITY OF MODESTO ENVIRONMENTAL ASSESSMENT COMMITTEE:

\_\_\_\_\_  
Ross Campbell, Director of Public Works, Chairman

\_\_\_\_\_  
William Nichols, Director of Planning, Secretary

\_\_\_\_\_  
J. David Fitzsimons, Assistant City Attorney

\_\_\_\_\_  
James Mankin, Director of Environmental Health

Date: \_\_\_\_\_

Jan. '77

State of California  
 The Resources Agency  
 SECRETARY FOR RESOURCES  
 1416 Ninth Street, Room 1311  
 Sacramento, California 95814

Filed with Stanislaus  
 County Clerk

**NOTICE OF COMPLETION  
DRAFT ENVIRONMENTAL IMPACT REPORT**

<b>City</b>		<b>Department</b>		
CITY OF MODESTO				
<b>Project Title</b>				
<b>Address</b>		<b>City</b>	<b>County</b>	<b>Zip</b>
P. O. Box 642		Modesto	Stanislaus	95353
<b>Contact Person</b>		<b>Area Code</b>	<b>Phone</b>	<b>Ext</b>
		209	524-4011	
<b>PROJECT DESCRIPTION</b>				
<b>Project Location City</b>		<b>Project Location County</b>		
Modesto		Stanislaus		
<b>Time Period Provided for Review</b>				
<b>Address Where Copy of Draft EIR is Available</b>				
City Clerk, City of Modesto, P. O. Box 642, Modesto CA 95353				

To: 1) Secretary for Resources  
1416 Ninth Street, Room 1311  
Sacramento, Calif. 95814

2) Stanislaus County Clerk

From: City of Modesto

Subject: Notice of Determination, Environmental Review

E.A. No. \_\_\_\_\_

Project Title	
State Clearinghouse Number (If submitted to State Clearinghouse)	
Contact Person	Telephone Number
Project Location	
Project Description	

This is to advise that the City of Modesto has made the following determinations regarding the above described project:

1. The project has been  approved  disapproved Agency \_\_\_\_\_ Resolution No. \_\_\_\_\_ Date \_\_\_\_\_

2. The project  will  will not have a significant effect on the environment.

3.  An Environmental Impact report was prepared for this project pursuant to the provisions of CEQA and was certified by the decision-making body. A copy is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. A copy of the Negative Declaration is available for inspection in the office of Planning and Community Development, City Hall, Modesto, and in the office of the City Clerk, City Hall, Modesto.

4. Findings of Significant Effect and Mitigating Measures

Statement attached

Not applicable

Date Received for Filing

Signature \_\_\_\_\_

Title \_\_\_\_\_

NOTICE OF INTENT TO PREPARE A DRAFT EIR

TO: \_\_\_\_\_  
(Responsible Agency)

FROM: City of Modesto \_\_\_\_\_

\_\_\_\_\_  
(Address)

P. O. Box 642  
\_\_\_\_\_  
(Address)

\_\_\_\_\_

Modesto, CA 95351  
\_\_\_\_\_

SUBJECT: Notice of Intent to Prepare a Draft Environmental Impact Report

The City of Modesto will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by the City when considering your permit or other approval for the project.

The project description, location and the probable environmental effects are contained in the attached materials.

Please send your response to \_\_\_\_\_ at the address shown above. We will need the name for a contact person in your agency.

PROJECT TITLE:

PROJECT APPLICANT, IF ANY:

Date \_\_\_\_\_

Signature \_\_\_\_\_

Title \_\_\_\_\_

## I. INTRODUCTION

The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:

- (1) decreasing overall per capita energy consumption
- (2) decreasing reliance on natural gas and oil, and
- (3) increasing reliance on renewable energy sources.

In order to assure that energy implications are considered in project decisions, the California Environmental Quality Act requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy.

Energy conservation implies that a project's cost effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, lifetime costs may be determined more by energy efficiency than by initial dollar costs.

## II. EIR CONTENTS

Potentially significant energy implications of a project should be considered in an EIR. The following list of energy impact possibilities and potential conservation measures is designed to assist in the preparation of an EIR. In many instances specific items may not apply or additional items may be needed.

### A. Project Description may include the following items:

1. Energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment required for the project.
2. Total energy requirements of the project by fuel type and end use.
3. Energy conservation equipment and design features.
4. Initial and life-cycle energy costs or supplies.

B. Environmental Setting may include existing energy supplies and energy use patterns in the region and locality.

### C. Environmental Impacts may include:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project's life cycle including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.

4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.

D. Mitigation Measures may include:

1. Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed.
2. The potential of siting, orientation, and design to minimize energy consumption.
3. The potential for reducing peak energy demand.
4. Alternate fuels (particularly renewable ones) or energy systems.
5. Energy conservation which could result from recycling efforts.

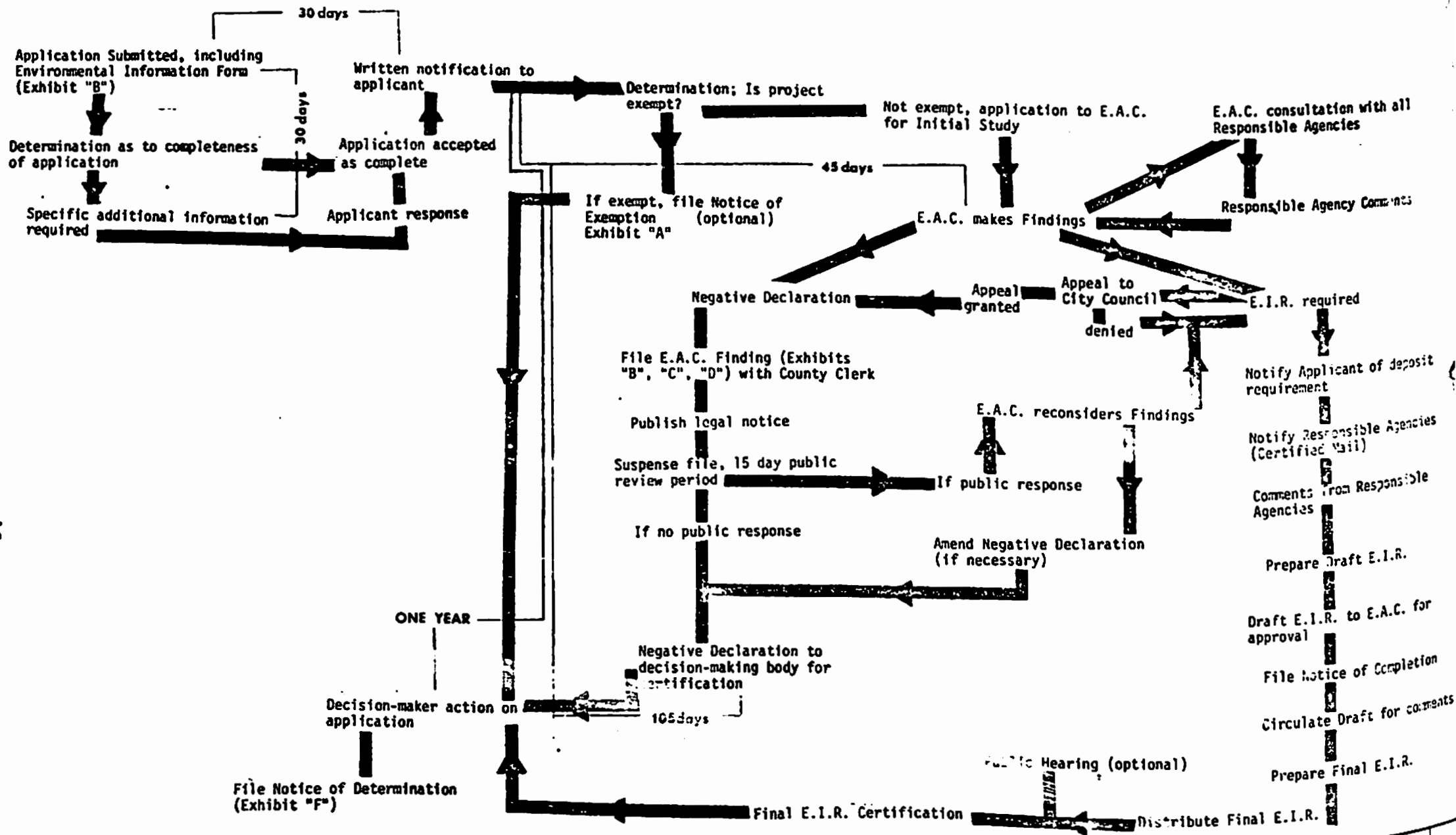
E. Alternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy.

F. Unavoidable Adverse Effects may include wasteful, inefficient and unnecessary consumption of energy during the project construction, operation, maintenance and/or removal that cannot be feasibly mitigated.

G. Irreversible Commitment of Resources may include a discussion of how the project preempts future energy development or future energy conservation.

H. Short-Term Gains versus Long-Term Impacts can be compared by calculating the energy costs over the lifetime of the project.

I. Growth Inducing Effects may include the estimated energy consumption of growth induced by the project.



**EXHIBIT I - Flow Chart**

**MODESTO CITY PLANNING DEPARTMENT**

DATE 4-1-77

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-458

A RESOLUTION SETTING TIME AND PLACE FOR <sup>INFORMAL</sup> HEARING TO ADOPT A STREET  
PATTERN ALTERNATIVE FOR THE LA LOMA AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that June 12, 1978, at 7:35 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for an informal hearing to adopt a street  
pattern alternative for the La Loma Area.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 1st day of  
May, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-459

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 6-4-9 OF THE ZONING MAP (Mid-Cal Land Development)

WHEREAS, the Modesto City Planning Commission held a public hearing on April 18, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 6-4-9 of the Zoning Map to rezone from R-1 to P-D(184) to allow construction of 436 single-family dwelling units on small lots, property located south of Paradise Road, north of Robertson, west of Wade, the following described property:

See Attached "Schedule A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-57 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 6-4-9 of the Zoning Map be set for June 12, 1978 at 7:45 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

PARCEL 1 - Rezoning

All that certain property situate in Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, located in the County of Stanislaus, State of California, described as follows:

BEGINNING at the interior quarter corner of said Section 6; thence South  $0^{\circ}00'55''$  East along the quarter section line, a distance of 362.87 feet; thence South  $89^{\circ}45'50''$  West 686.01 feet; thence South  $0^{\circ}08'52''$  West 967.28 feet to the center line of Robertson Road; thence South  $89^{\circ}40'20''$  West along the center line of Robertson Road a distance of 688.73 feet; thence North  $0^{\circ}18'10''$  East 1320.20 feet to a point on the North line of Peggy Lane; thence South  $89^{\circ}47'15''$  West along the North line of Peggy Lane a distance of 85.00 feet; thence North  $0^{\circ}00'29''$  West 159.45 feet; thence North  $50^{\circ}06'17''$  East 612.66 feet; thence North  $89^{\circ}40'20''$  East 270.05 feet; thence North  $0^{\circ}00'29''$  West 211.15 feet; thence North  $50^{\circ}06'17''$  East 83.75 feet to a point on a non-tangent curve concave to the southwest having a radius of 340.00 feet and a central angle of  $25^{\circ}26'50''$ , a radial to said point bears North  $75^{\circ}33'07''$  East; thence Northwesterly 151.01 feet along said curve to a tangent line; thence North  $39^{\circ}53'43''$  West along said tangent line 158.91 feet to the centerline of Paradise Road; thence North  $50^{\circ}06'17''$  East along the centerline of Paradise Road a distance of 60.00 feet; thence South  $39^{\circ}53'43''$  East 158.91 feet to the beginning of a tangent curve concave to the Southwest having a radius of 400.00 feet; thence Southeasterly 149.55 feet along said curve through a central angle of  $21^{\circ}25'18''$ ; thence on a non-tangent line North  $50^{\circ}06'17''$  East 279.99 feet; thence North  $89^{\circ}59'31''$  East 385.75 feet to a point on the North-South quarter section line of Section 6; thence South  $0^{\circ}00'29''$  East along said quarter section line a distance of 1023.33 feet to the true point of beginning of this description.

Containing 49.970 acres

PARCEL 2 - Rezoning

All that certain property situate in Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, located in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the interior quarter corner of said section 6; thence South  $0^{\circ}00'55''$  East along the quarter section line a distance of 362.87 feet to the true point of beginning of this description; thence continuing South  $0^{\circ}00'55''$  East 163.66 feet; thence South  $89^{\circ}39'59''$  West 151.54 feet to the beginning of a tangent curve concave to the North having a radius of 300.00 feet; thence Westerly 68.11 feet along said curve through a central angle of  $13^{\circ}00'31''$  to the beginning of a reverse curve concave to the South having a radius of 250.00 feet, a radial line through said beginning of reverse curve bears North  $12^{\circ}40'30''$  East; thence Westerly 56.34 feet along said curve through a central angle of  $12^{\circ}54'45''$ ; thence on a non-tangent line South  $0^{\circ}00'40''$  East 816.58 feet to the center line of Robertson Road; thence South  $89^{\circ}40'20''$  West along the center line of Robertson Road a distance of 413.71 feet; thence North  $0^{\circ}08'52''$  East 967.28 feet; thence North  $89^{\circ}45'50''$  East 686.01 feet to the true point of beginning of this description.

Containing 10.169 Acres

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-460

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP (Stone Brothers and Associates)

WHEREAS, the Modesto City Planning Commission held a public hearing on April 18, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 7-3-9 of the Zoning Map to rezone a portion of P-D(21) to Professional Office Zone, P-O, and to P-D(183), property located on the south side of Standiford Avenue west of Tully Road, to allow C-1 uses within P-D(183), the following described property:

See Schedule "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-58 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 7-3-9 of the Zoning Map be set for June 12, 1978, at 7:50 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

P-D to P-0 (East of Chancellor Avenue)

ALL that certain real property situate in the Southeast Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

COMMENCING at the East Quarter Section corner of said Section 7, as shown on map of Tully Manor No. 4 filed for record in Volume 22 of Maps, at Page 15, Stanislaus County records; thence North 89° 08' West along the centerline of Standiford Avenue a distance of 663.06 feet to the POINT OF BEGINNING of this description; thence South 0° 52' West 225.36 feet; thence South 89° 08' East 125.00 feet; thence South 0° 54' East 60.00 feet; thence South 89° 08' East 84.15 feet; thence North 0° 52' East 285.33 feet; thence North 89° 08' West along the centerline of Standiford Avenue a distance of 211.00 feet to the POINT OF BEGINNING.

Contains: 1.21 acres gross (.86 acres net)

P-D to P-0 (West of Chancellor Avenue)

COMMENCING at the East Quarter Section corner of said Section 7, as shown on map of Tully Manor No. 4 filed for record in Volume 22 of Maps, at Page 15, Stanislaus County Records; thence North 89° 08' West along the centerline of Standiford Avenue a distance of 663.06 feet to the POINT OF BEGINNING of this description; thence South 0° 52' West 225.36 feet; thence North 89° 08' West 135.00 feet; thence South 5° 10' East 37.86 feet; thence South 84° 50' West 285.45 feet; thence North 1° 02' 40" West 293.17 feet thence South 89° 08' East along the centerline of Standiford Avenue 424.67 feet to the POINT OF BEGINNING.

Contains: 2.52 acres gross (1.93 acres net)

P-D to New P-D

BEGINNING at the East Quarter Section corner of said Section 7, as shown on map of Tully Manor No. 4 filed for record in Volume 22 of Maps, at Page 15, Stanislaus County Records; thence North 89° 08' West along the centerline of Standiford Avenue a distance of 452.06 feet; thence South 0° 52' West 285.33 feet; thence South 89° 08' East 195.86 feet; thence North 0° 54' West 83.14 feet; thence South 89° 11' 45" East 265.00 feet; thence North 0° 54' West along the east line of Section 7 a distance of 202.03 feet to the POINT OF BEGINNING.

Contains: 2.48 acres gross (1.81 acres net)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-461

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 8-3-9 OF THE ZONING MAP (Walter Watson)

WHEREAS, the Modesto City Planning Commission held a public hearing on April 18, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 8-3-9 of the Zoning Map to rezone from R-1 to R-2 property located at the northeast corner of Standiford Avenue and the Tidewater Southern Railroad Company right of way,  
the following described property:

SEE SCHEDULE A

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-59 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 8-3-9 of the Zoning Map be set for June 12, 1978, at 7:40 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

ALL that portion of the Southwest quarter of the Northeast quarter of Section 8, Township 3 South, Range 2 East, Mount Diablo Base and Meridian, described as follows:

BEGINNING at the interior quarter corner of said Section 8; thence North  $1^{\circ} 20' 20''$  West along the Westerly line of the Northeast quarter of said Section 8, a distance of 20.47 feet; thence, westerly along the North line of 40-foot wide Standiford Avenue 20 feet; thence Northerly along a line parallel with the West line of the Northeast quarter of said Section 8, a distance of 271.69 feet; thence Easterly 20 feet to a Northwest corner of Lot 11 in Block 13051 of Greenwood Estates No. 1 according to the official map thereof, filed in the office of the County Recorder of Stanislaus County on May 11, 1965, in Volume 21 of Maps, Page 9; thence along a West line of said Lot 11, South  $1^{\circ} 20' 20''$  East 42.15 feet to the Southwest corner thereof; thence South  $89^{\circ} 35'$  East along the South line of Lots 11 and 10 in Block 13051 of said Greenwood Estates No. 1, a distance of 150 feet to the Northwest corner of Lot 1 in said Block 13051; thence South  $1^{\circ} 20' 20''$  East along the West line of said Lot 1 and the Southerly extension thereof, 250.01 feet to a point on the South line of the Northeast quarter of said Section 8; thence North  $89^{\circ} 35'$  West along said South line 150 feet to the point of beginning

SCHEDULE A  
Item 31  
5/1/78

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-462

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 2-3-8 OF THE ZONING MAP (Grant Construction Company)

WHEREAS, the Modesto City Planning Commission held a public hearing on April 18, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Pelandale Avenue, west of Dale Road,  
the following described property:

SEE SCHEDULE A

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-61 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 2-3-8 of the Zoning Map be set for June 5, 1978 at 4:10 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

ALL that certain real property situate in a portion of the Southwest quarter of the Southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the East quarter-quarter section corner of said Section 2 said quarter-quarter corner being also the intersection of the centerline of Dale Road with the centerline of Pelandale Avenue; thence South 89° 57' 00" West, along said centerline of Pelandale Avenue, a distance of 1980.00 feet to the point of beginning; thence South 0° 18' 10" West, a distance of 302.50 feet; thence South 89° 57' 00" West, a distance of 560.32 feet; thence North 0° 17' 57" East, a distance of 0.78 feet; thence North 89° 42' 03" West, a distance of 100.00 feet to the North-South quarter section line of said Section 2; thence North 0° 17' 57" East, along said quarter section line, a distance of 301.72 feet to said centerline of Pelandale Avenue; thence North 89° 57' 00" East, along said centerline of Pelandale Avenue, a distance of 660.34 feet to the point of beginning.

1 Containing: 4.58 acres

SCHEDULE A  
Item 32  
5/1/78

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-463

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (Irwin Steinpress)

WHEREAS, the Modesto City Planning Commission held a public hearing on April 18, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 15-3-9 of the Zoning Map, to prezone to P-D(185) property located on the south side of Floyd Avenue, between Pridmore and Oakdale Road, to allow construction of 8 triplexes, the following described property:

SEE SCHEDULE A

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-62 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 15-3-9 of the Zoning Map be set for June 5, 1978, at 4:15 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

ALL that certain real property situate in a portion of the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

BEGINNING at the intersection of the centerline of Floyd Avenue with the Northerly prolongation of the East line of Pleasant View Estates No. 2, as shown on the map filed in Volume 23 of Maps at Page 33, Stanislaus County Records; thence South 89° 23' 50" East along said centerline of Floyd Avenue a distance of 754.06 feet, to the West line of the property conveyed to William B. Reese, by Deed recorded September 12, 1958, Instrument No. 22910; thence South, along said West line of Reese property, a distance of 136.00 feet; thence North 89° 23' 50" West, 754.06 feet to said East line of Pleasant View Estates No. 2; thence North, along said East line of Pleasant View Estates No. 2, a distance of 136.00 feet to the point of beginning.

Containing 2.35 acres

SCHEDULE A  
Item 33  
5/1/78

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-464**

INFORMAL

**A RESOLUTION SETTING TIME AND PLACE FOR/HEARING ON RECONSIDERATION OF PROPOSED AMENDMENTS TO THE STANDARD SPECIFICATIONS AND THE SUBDIVISION REGULATIONS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that May 15, 1978 , at 4:10 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for an informal public hearing, reconsideration of proposed amendments to the Standard Specifications and the Subdivision Regulations pertaining to the width of collector streets at their intersection with major streets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-465

A RESOLUTION INITIATING PROCEEDINGS FOR THE PROPOSED  
ANNEXATION OF UNINHABITED TERRITORY DESCRIBED HEREIN AND  
DESIGNATED AS ORANGEBURG-CLAUS NO. 2

ANNEXATION  
TO THE CITY OF MODESTO, AND GIVING NOTICE OF TIME AND  
PLACE FOR HEARING PROTESTS THERETO.

BE IT RESOLVED by the Council of the City of Modesto:

1. That pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by the owners of territory in the County of Stanislaus requesting annexation to the City of Modesto of the Orangeburg-Claus No. 2 Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission determined that said territory is uninhabited and approved the initiation of proceedings for annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, a copy of which resolution is attached hereto as Exhibit A and made a part hereof by reference.

2. That the chief petitioners requesting said annexation as set forth in the application filed with the Commission are:

<u>Name</u>	<u>Address</u>
Evangelos Polakis	3537 E. Orangeburg Avenue Modesto, California
R. B. Chappell	P. O. Box 4140 Modesto, California
Angelo Pierini	4925 Parker Road Modesto, California

3. That the territory which the petitioners request be annexed to the City of Modesto and which said City and its Council propose to annex, is situated in the County of Stanislaus, State of California, has been designated as \_\_\_\_\_  
Orangeburg-Claus No. 2 Annexation to the City of Modesto,

the exterior boundaries of which are set forth in the description attached hereto as Exhibit A and made a part hereof by reference.

4. That the reason or reasons for the proposed annexation as set forth in the proposal thereof submitted to the Commission are set forth in page 7 of the application which is attached hereto as Exhibit B and made a part hereof by reference.

5. That the terms and conditions of the proposed annexation contained in the Commission's resolution making determinations, if any, are set forth in said resolution, which is attached hereto as Exhibit C and made a part hereof by reference.

6. That no change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

BE IT FURTHER RESOLVED NOTICE IS HEREBY GIVEN that the 26th day of June, 1978, at the hour of 7:30 o'clock P.M. of said day, in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto be and the same is hereby fixed as the time and place for considering said annexation, at which time and place any person owning real property within such territory and having any objections to the proposed annexation may appear before the Council of the City of Modesto and show cause why such territory should not be so annexed.

1. Any such protest must be in writing, must be filed with the City Clerk at any time before the conclusion of the hearing on the proposed annexation, and shall state the name or names of the owner or owners of property affected and the description and area of such property, in general terms.

2. The City Clerk shall cause a copy of this resolution to be published at least twice, but not oftener than once a week in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and shall also cause a copy of this resolution to be published in the Riverbank News, being a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus. Said publications shall be completed at least twenty (20) days prior to the date set for the hearing.

3. The City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice;

(b) The chief petitioners, if any, as indicated in the petition initiating proceedings;

(c) To each affected city, county, and district; and

(d) To the executive office of the Local Agency Formation Commission.

4. The City Clerk is directed to cause written notice to be given to such other persons as may be legally entitled thereto, in the manner required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of May, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

## ORANGEBURG - CLAUS NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of Section 23 and the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of ORANGEBURG - CLAUS ADDITION (362), as per description filed November 8, 1977, as Instrument 30228, Stanislaus County Records;

1. thence along the existing City Limits and Western line of said ADDITION (362), South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the intersection of the center lines of Claus Road and East Orangeburg Avenue and the Northeastern corner of SPRING CREEK ADDITION (325), as per description filed January 15, 1975, as Instrument 26879, Stanislaus County Records;
2. thence continuing along the existing City Limits along the center line of 50.00 foot East Orangeburg Avenue, and the Northern line of said ADDITION (325), South  $89^{\circ} 21' 00''$  West, 1210.20 feet, to the Northeastern corner of EAST ORANGEBURG NO. 7 ADDITION (352), as per description filed January 20, 1977, as Instrument 41857, Stanislaus County Records;
3. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (352), South  $89^{\circ} 21' 00''$  West, 881.00 feet, to a Northeastern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per description filed May 8, 1975, as Instrument 43098, Stanislaus County Records;
4. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (331), South  $89^{\circ} 21' 00''$  West, 200.99 feet, to the Northwestern corner of ORANGEBURG - FRANSEN ADDITION (365), as per description filed December 30, 1977, as Instrument 43098, Stanislaus County Records;
5. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (365), South  $89^{\circ} 21' 00''$  West, 328.06 feet, to a Southeastern corner of LAKEWOOD NO. 1 ADDITION (292), as per description filed June 9, 1972, as Instrument 23377, Stanislaus County Records;
6. thence continuing along the existing City Limits along an Eastern line of said ADDITION (292), North  $00^{\circ} 53' 10''$  West, 1193.86 feet to the center line of 120.00 foot East Briggsmore Avenue;
7. thence continuing along the existing City Limits along said center line and a Northern line of said ADDITION (292), South  $89^{\circ} 34' 30''$  West, 2622.06 feet, to a Northeastern corner of ORANGEBURG - LAKEWOOD NO. 2 ADDITION (339), as per description filed February 4, 1976, as Instrument 35052, Stanislaus County Records;

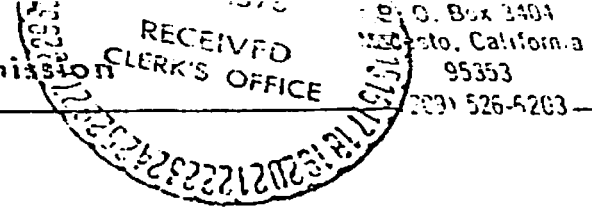
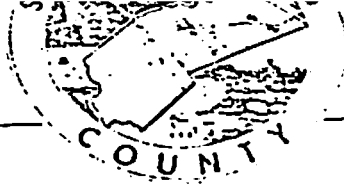
8. thence continuing along the existing City Limits along said center line and the Northern line of said ADDITION (339), North  $89^{\circ} 41' 20''$  West, 657.10 feet, to the Northeastern corner of ORANGEBURG - EAST-RIDGE ADDITION (308), as per description filed August 17, 1973, as Instrument 6631, Stanislaus County Records;
9. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $89^{\circ} 41' 20''$  West, 939.87 feet, to a point on a curve;
10. thence continuing along the existing City Limits along a curve concave to the Northwest, having a Central Angle of  $7^{\circ} 25' 35''$ , a Radius of 1200.00 feet, and an Arc Length of 155.43 feet;
11. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $82^{\circ} 15' 45''$  West, 222.06 feet, to a Northeastern corner of ORANGEBURG - SONOMA NO. 2 ADDITION (326), as per description filed January 15, 1975, as Instrument 26880, Stanislaus County Records;
12. thence continuing along the existing City Limits and a Northern line of said ADDITION (326), North  $82^{\circ} 15' 35''$  West, 1326.50 feet;
13. thence continuing along the existing City Limits and the Western line of said ADDITION (326), South  $00^{\circ} 14' 00''$  East, 1400.75 feet, to the center line of 60.00 foot East Orangeburg Avenue and a Northern line of SONOMA NO. 3 ADDITION (285), as per description filed April 26, 1972, as Instrument 16760, Stanislaus County Records;
14. thence continuing along the existing City Limits along said center line and Northern line of said ADDITION (285), North  $89^{\circ} 27' 15''$  West, 657.05 feet, to a Southeastern corner of OLD OAKDALE NO. 2 ADDITION (301), as per description filed March 5, 1973, as Instrument 37469, Stanislaus County Records;
15. thence continuing along the existing City Limits and an Eastern line of said ADDITION (301), North  $00^{\circ} 13' 07''$  West, 1544.43 feet, to the Northeastern corner of said ADDITION (301), and the North right-of-way line of 120.00 foot East Briggsmore Avenue;
16. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $82^{\circ} 26' 33''$  West, 748.59 feet;
17. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $82^{\circ} 22' 32''$  West, 263.85 feet, to a point on a curve;
18. thence continuing along the existing City Limits along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 403.10 feet, and an Arc Length of 248.37 feet;

19. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), South  $62^{\circ} 19' 16''$  West, 78.75 feet, to the center line of 100.00 foot Oakdale Road and an Eastern line of ROSE ACRES NO. 4 ADDITION (230), as per description filed May 2, 1969, as Instrument 15074, Stanislaus County Records;
20. thence continuing along the existing City Limits along an Eastern line of said ADDITION (230), North  $00^{\circ} 26' 14''$  West, 78.73 feet, to the center line of the 140.00 foot Modesto Irrigation District Lateral Number 3;
21. thence leaving the existing City Limits, along the center line of said Lateral (3), North  $62^{\circ} 19' 16''$  East, 42.62 feet;
22. thence continuing along the center line of said M. I. D. Lateral (3) along a tangent curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 473.10 feet, and an Arc Length of 291.51 feet;
23. thence continuing along said M. I. D. Lateral (3), South  $82^{\circ} 25' 47''$  East, 1002.86 feet;
24. thence continuing along said M. I. D. Lateral (3), South  $82^{\circ} 15' 45''$  East, 2734.67 feet;
25. thence continuing along said M. I. D. Lateral (3), North  $89^{\circ} 41' 20''$  East, 1232.31 feet, to the Section corner common to Sections 13, 14, 23, and 24;
26. thence along the Northern line of Section 24, North  $89^{\circ} 00' 41''$  East, 5245.09 feet, to the Northeast corner of Section 24;
27. thence along the East line of Section 24, South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the point of beginning, containing 119.158 Acres, more or less.

VIII. PROPONENTS' STATEMENT

- A. State the reason(s) why the proponent(s) feel the annexation should be approved. (Note: this statement or a synopsis of it, will be included in the written report which is submitted to LAFCO.)

None



-----  
IN RE: -----  
ORANGEBURG-CLAUS NO. 2 ANNEXATION -----  
TO THE CITY OF MODESTO -----  
-----

R E S O L U T I O N

March 29, 1978

WHEREAS, this matter was regularly called for further hearing pursuant to the order of continuance of February 22, 1978; and

WHEREAS, this Commission has considered all of the evidence and testimony submitted herein; and

WHEREAS, the County's Environmental Review Committee has determined that the approval of the proposal would not have a significant effect in the environment; and

WHEREAS, the County Public Works Department has recommended that the boundaries of the proposal be expanded to include all of the unincorporated portion of the Briggsmore Avenue right-of-way between Claus Road and Oakdale Road; and

WHEREAS, this would create an unincorporated island unless property located on Orangeburg Avenue owned by the Kilibro Broadcasting Corporation and Mr. and Mrs. Carl Christensen were included in the proposal; and

WHEREAS, the Assistant Executive Officer has informed the Commission that Mr. and Mrs. Carl Christensen, the Kilibro Broadcasting Corporation and Modesto Irrigation District have been notified of this hearing and of the possibility that their lands could be included in the proposal.

NOW, THEREFORE, BE IT RESOLVED THAT this Commission hereby finds that:

- a. The inclusion in the proposal of the territory owned by the MID, the Kilibro Broadcasting Corporation and Mr. and Mrs. Carl Christensen would contribute to the orderly formation of the City of Modesto;
- b. The approval of the proposal would be consistent with all applicable local general plans;
- c. The proposal is uninhabited pursuant to the provisions of the Municipal Organization Act of 1977; and
- d. The approval of the proposal would not have a significant effect on the environment.

BE IT FURTHER RESOLVED THAT, based on the above findings, the Commission hereby:

- a. Approves the Orangeburg-Claus No. 2 Annexation subject to the condition that its boundaries be expanded to include all of the unincorporated territory in the area bounded by the center-line of Modesto Irrigation District Lateral No. 3, Oakdale Road, Claus Road and Orangeburg Avenue;

- b. Orders that a Negative Declaration be filed on the proposal;
- c. Designates the proposal as the Orangeburg-Claus No. 2 Annexation to the City of Modesto; and
- d. Directs the Modesto City Council to initiate annexation proceedings.

Upon motion by Commissioner Ulm, seconded by Commissioner Condit, the foregoing resolution was duly passed and adopted at a regular meeting of the Stanislaus County Local Agency Formation Commission this 29th day of March, 1978, by the following called vote:

AYES: .	Commissioners:	Condit, Ulm and Draper
NOES: .	Commissioners:	Garcia
ABSENT:	Commissioners:	Alternate Rootlieb
ABSTAINING OR DISQUALIFIED:	Commissioners:	Arakelian and Chair- person Siefkin

*George E. ...*

ATTEST:

\_\_\_\_\_  
Executive Officer

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors

APR 7 - 1978  
STEVE R. NELSON

County Clerk and Election Clerk of the Board of Supervisors of the County of Stanislaus, State of California

*[Signature]*

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-466**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON BEHALF OF TACO BELL CORPORATION, APPEALING A BOARD OF ZONING ADJUSTMENT DECISION CONCERNING A SIGN.**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 5, 1978, at 4:20 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Taco Bell Corporation to a Board of Zoning Adjustment decision concerning a sign.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Kullijian**

**ATTEST:**

*Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-467

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ONE 1500 GPM FIRE TRUCK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as  
follows:

SECTION 1. The plans and specifications for furnishing one  
1500 GPM Fire 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 May 30, 1978 at 2:00 p.m. and the City  
Clerk is hereby directed to give notice inviting such sealed bids  
in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated  
and analyzed and a report submitted to the Council at its next regular  
meeting.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 8th day of  
May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-468

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR STREET LIGHT MODERNIZATION, PHASE VIII 1977-78**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for street light modernization, Phase VIII 1977-78

copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 6, 1978 at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-469

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR CONSTRUCTION OF THE DRYDEN TRUNK SEWER**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of the Dryden trunk sewer, EDA Project No. 07-01-01753 copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 13, 1978 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 470

A RESOLUTION AMENDING THE CITY OF MODESTO FINAL BUDGET FOR FISCAL YEAR 1977-78 ESTIMATING FEDERAL GRANT REVENUE OF \$485,000 AND INCREASING APPROPRIATIONS BY \$363,806 FOR THE DRYDEN TRUNK SEWER LINE.

WHEREAS, the Federal Government has approved a grant of \$485,000 for construction of the Dryden Trunk Sewer Line, and

WHEREAS, \$701,194 has been appropriated in Capital Account #6004 of the Sewer Fund, Fund No. 212, and

WHEREAS, it is estimated that the cost of the Dryden Trunk Sewer Line will be \$1,065,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made in the Final Budget of the City of Modesto for the fiscal year 1977-78:

Estimated Revenue

Federal grant revenue in Revenue Account #271 of the Sewer Service Fund, Fund No. 212 be increased \$485,000 from \$800,849 to \$1,285,849.

Appropriations

Appropriations in the Dryden Trunk Sewer Line, Capital Account No. 6004, of the Sewer Service Fund, Fund No. 212, be increased \$363,806 from \$701,194 to \$1,065,000.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-471

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR CONSTRUCTION OF FIRE STATION NO. 6

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of Fire Station No. 6 copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 6, 1978 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-472

**A RESOLUTION ACCEPTING THE BID OF PERVO PAINT COMPANY FOR FURNISHING TRAFFIC LINE PAINT**

WHEREAS, Resolution No. 78-370 , adopted by the Council of the City of Modesto on April 17, 1978 , approved the plans and specifications for the purchase of traffic line paint

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of traffic line paint

were opened at 2:00 p.m. on May 2, 1978, 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 Pervo Paint in the amount of \$27,253.00

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Pervo Paint Company in the amount of \$27,253.00

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 8th day of May,

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Steffin,  
Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Nullified.

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-473

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN BRADEN AVENUE, EAST OF DALE ROAD, OAKDALE ROAD BETWEEN E. ORANGEBURG AND NYSTROM AVENUE AND SHERWOOD PLAZA (Western Pipeline)

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Braden Avenue, east of Dale Road, Oakdale Road between E. Orangeburg and Nystrom Avenue and Sherwood Plaza has been completed by Western Pipeline

in accordance with the contract agreement dated August 1, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Braden Avenue, east of Dale Road, Oakdale Road between E. Orangeburg and Nystrom Avenue and Sherwood Plaza be accepted from said contractor, Western Pipeline;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$25,827.50 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 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-474

A RESOLUTION ACCEPTING THE CONSTRUCTION OF STREET IMPROVEMENTS IN HOUSING TARGET AREA, STAGE 2 (J.L. Pryor Construction Company)

WHEREAS, a report has been filed by the Director of Public Works that the construction of street improvements in Housing Target Area, Stage 2 has been completed by J.L. Pryor Construction Company

in accordance with the contract agreement dated February 6, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of street improvements in Housing Target Area, Stage 2 be accepted from said contractor, J.L. Pryor Construction Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$44,792.38 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-475

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 2-3-8 OF THE  
ZONING MAP OF THE CITY OF MODESTO, REZONING  
CERTAIN PROPERTY LOCATED THEREON. (VENEQUITY  
CORPORATION)

WHEREAS, on May 8, 1978, the City Council  
introduced Ordinance No. \_\_\_\_\_ giving approval to a project  
relating to an amendment to Section Map 2-3-8 of the Zoning Map of the  
City of Modesto, to reclassify from Low Density Residential Zone, R-1, to  
Medium Density Residential Zone, R-2  
\_\_\_\_\_, and

WHEREAS, the City Council certifies that at said Council meeting  
it reviewed and considered the findings of the City of Modesto Environ-  
mental 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 Dstermination in regard to the  
environmental impact of the subject project relating to an amendment to  
Section Map 2-3-8 of the Zoning Map of the City of Modesto, to reclassify from  
Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2  
\_\_\_\_\_  
\_\_\_\_\_

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-476

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN  
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL  
PURPOSES INCLUDING THE ACQUISITION OF RIGHT-OF-  
WAY FOR THE STANDIFORD-TULLY TO 300 FEET WEST  
OF CARVER PROJECT (WALLIS)

(Name of Project and Property Owners Name)

WHEREAS, on April 17, 19 78, the Council of the City  
of Modesto by Resolution No. 78-395 set a hearing to consider a resolution  
of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on May 8, 19 78, 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 the Standiford-Tully to 300  
feet West of Carver Project

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 pursuant to Sections 37350.5 and 37351 of the Government Code of the State of California.
3. The taking of said real property for said project is also authorized pursuant to Section 37353 and 40404 of the Government Code of the State  
of California.
4. 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.
5. The real property which is hereinafter described consists of

a parcel approximately 30.23 feet by 131.75 feet located on the south side of  
Standiford Avenue, approximately 791.45 feet east of the center line of Carver  
Road and 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, as are necessary to acquire, for the  
purposes and uses aforesaid, that certain real property which is situated in  
the County of Stanislaus, and in the City of Modesto, State of  
California, more particularly described as follows:

All that portion of the Southeast quarter of Section 7, Township 3 South,  
Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at a 2" by 2" wood stake with tack, said stake locating the  
intersection of the center lines of a 40 foot public road known as Standiford  
Avenue and a 40 foot public road known as Carver Road, being the intersection  
of the centerline of said Carver Road with the East-West quarter section  
line of said Section 7; thence along said center line of Standiford Avenue  
and East-West quarter section line, South  $88^{\circ} 36' 59''$  East, 791.45 feet;  
thence South  $0^{\circ} 30' 39''$  East, 20.01 feet to the Northwest corner of property  
conveyed to David H. Harris, et ux, by deed dated July 26, 1971, and recorded  
in Volume 2416, Page 798, Stanislaus County Records, said corner being on the  
South line of said Standiford Avenue and the true point of beginning of this  
description; thence along said South line of Standiford Avenue, South  $88^{\circ} 36'$   
 $59''$  East, 131.75 feet, to the Northeast corner of said Harris property;  
thence along the East line of said Harris property, South  $0^{\circ} 30' 39''$  East,  
30.02 feet to a point on a line which is parallel with and 50.00 feet,  
measured at right angles, Southerly from the center line of Standiford Avenue;  
thence North  $88^{\circ} 36' 39''$  West, 66.74 feet; thence along a tangent curve  
concave to the South, having a Radius of 4950.00 feet, a Central Angle of  
 $0^{\circ} 45' 09''$  and an Arc Length of 65.01 feet, to its intersection with the West  
line of said Harris property; thence along said West line North  $0^{\circ} 30' 39''$   
West, 30.44 feet, to the point of beginning, containing 0.091 of an acre,  
more or less.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: *Merrine Cagle*  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By *ELWYN L. JOHNSON*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Karl Campbell*  
Public Works Department  
5/9/78

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-477

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN  
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL  
PURPOSES INCLUDING THE ACQUISITION OF RIGHT-OF-  
WAY FOR THE STANDIFORD-TULLY TO 300 FEET WEST OF  
CARVER PROJECT (WRIGHT)

(Name of Project and Property Owners Name)

WHEREAS, on April 17, 1978, the Council of the City  
of Modesto by Resolution No. 78-396 set a hearing to consider a resolution  
of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on May 8, 1978, 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 the Standiford-Tully to 300  
Feet West of Carver Project.

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 pursuant to Sections 37350.5 and 37351 of the Government Code of the State of California.
3. The taking of said real property for said project is also authorized pursuant to Section 37353 and 40404 of the Government Code of the  
State of California.
4. 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.
5. The real property which is hereinafter described consists of

a parcel approximately 30.02 feet by 100 feet located on the south side of  
Standiford Avenue, approximately 1443.20 feet east of the center line of  
Carver Road, and 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, as are necessary to acquire, for the  
purposes and uses aforesaid, that certain real property which is situated in  
the County of Stanislaus, and in the City of Modesto, State of  
California, more particularly described as follows:

All that portion of the Southeast quarter of Section 7, Township 3 South,  
Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at a 2" by 2" wood stake with tack, said stake locating the  
intersection of the center lines of a 40 foot public road known as Standiford  
Avenue and a 40 foot public road known as Carver Road, being the intersection  
of the center line of said Carver Road with the East-West quarter section  
line of said Section 7; thence along the center line of Standiford Avenue  
and the East-West quarter section line of said Section 7, South 88° 36' 59"  
East, 1443.20 feet; thence South 0° 30' 39" East, 20.01 feet to the Northwest  
corner of property conveyed to Victor R. Wright, et ux, by deed dated May 14,  
1965 and recorded in Book 2035, Page 13, Stanislaus County Records, said  
corner being on the South line of said Standiford Avenue and the true point  
of beginning of this description; thence along the West line of said Wright  
property, South 0° 30' 39" East, 30.02 feet, to a point on a line which is  
parallel to and 50.00 feet measured at right angles, Southerly from the  
center line of said Standiford Avenue; thence along said parallel line,  
South 88° 36' 59" East 100 feet, to the East line of said Wright property;  
thence along said East line, North 0° 30' 39" West, 30.02 feet, to the  
Northeast corner of said Wright property, said corner also being on the  
South line of Standiford Avenue; thence along said South line, North 88°  
36' 59" West, 100 feet, to the point of beginning, containing 0.069 of an  
acre, more or less.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap; who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Marnie Cagle  
City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Karl Campbell  
Public Works Department  
5/9/78

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-478

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN  
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL  
PURPOSES INCLUDING THE ACQUISITION OF RIGHT-OF-  
WAY FOR THE STANDIFORD-TULLY TO 300 FEET WEST OF  
CARVER PROJECT (DORRITY)

(Name of Project and Property Owners Name)

WHEREAS, on April 17, 19 78, the Council of the City  
of Modesto by Resolution No. 78-397 set a hearing to consider a resolution  
of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on May 8, 19 78, 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 the Standiford-Tully to 300  
Feet West of Carver Project

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 pursuant to Sections 37350.5 and 37351 of the Government Code of the State of California.
3. The taking of said real property for said project is also authorized pursuant to Section 37353 and 40404 of the Government Code of the State of California.
4. 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.
5. The real property which is hereinafter described consists of

a parcel approximately 30.02 feet by 125 feet located on the south side of  
Standiford Avenue, approximately 1318.20 feet east of the center line of  
Carver Road and 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, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and in the City of Modesto, State of California, more particularly described as follows:

All that portion of the Southeast quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at a 2" by 2" wood stake with tack, said stake locating the intersection of the center lines of a 40 foot public road known as Standiford Avenue and a 40 foot public road known as Carver Road, being the intersection of the center line of said Carver Road with the East-West quarter section line of said Section 7; thence along said center line of Standiford Avenue and the East-West quarter section line, South  $88^{\circ} 36' 59''$  East, 1318.20 feet; thence South  $0^{\circ} 30' 39''$  East, 20.01 feet to the Northwest corner of property conveyed to Glen E. Dorrity, et ux, by deed dated September 29, 1964 and recorded in Book 1980, Page 196, Stanislaus County Records and the true point of beginning of this description; thence along the West line of said Dorrity Property, South  $0^{\circ} 30' 39''$  East, 30.02 feet to a point on a line which is parallel to and 50.00 feet measured at right angles, Southerly from the center line of said Standiford Avenue; thence along said parallel line South  $88^{\circ} 36' 59''$  East, 125.00 feet, to the East line of said Dorrity property; thence along said East line of Dorrity property, North  $0^{\circ} 30' 39''$  West, 30.02 feet to the Northeast corner of said Dorrity property, said corner being on the South line of Standiford Avenue; thence along said South line, North  $88^{\circ} 56' 59''$  West, 125.00 feet to the point of beginning, containing 0.086 of an acre, more or less.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: *Mavis Coyle* City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Don Campbell*  
Public Works Department  
5/9/78

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-479

A RESOLUTION APPROVING THE DISTRIBUTION OF FEDERAL FUNDS FOR SAFER  
OFF-SYSTEM ROADS PROGRAM (SOS)

WHEREAS, the California Department of Transportation notified the Stanislaus County Board of Supervisors that Stanislaus County has been apportioned Safer Off-System Road funds in the amount of \$388,817; and

WHEREAS, under the Safer Off-System Roads program funds are available for projects on roads that are not on any Federal Aid System in both incorporated and unincorporated areas; and

WHEREAS, Section 2530(c) of the Streets and Highways states "The distribution of funds among cities within each County and the County shall be determined by agreement between the County and a majority of the cities, which cities shall include a majority of the municipal population within the County."; and

WHEREAS, County has calculated a "fair share" distribution based on the same formula used by State to apportion Safer Off-System funds among counties; and

WHEREAS, "fair share" to Modesto is \$84,010.

NOW, THEREFORE BE IT RESOLVED that the City of Modesto hereby approves the aforementioned "fair share" of the Safer Off-System funds.

BE IT FURTHER RESOLVED that the City of Modesto hereby approves of the distribution of the Safer Off-System Road funds as described in Stanislaus County's Resolution No. 78-618, dated April 11, 1978.

BE IT FURTHER RESOLVED that the City of Modesto claims its share of Safer Off-System Road funds in the amount of \$84,010 to be expended on the City's Off-System streets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-480

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE COUNTY OF STANISLAUS FOR COMMUNITY RECREATION FOR FISCAL YEAR 1977-78

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and County of Stanislaus

for community recreation for fiscal year 1977-78 (County will allocate and transfer to the City \$35,778.20 for expenditures by the City) be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-481

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO WIDEN AND PAVE ORANGEBURG AVENUE BETWEEN COLLIER AVENUE AND COFFEE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for widening and paving Orangeburg Avenue between Collier Avenue and Coffee Road be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-482

A RESOLUTION APPROVING REVISED STANISLAUS FEDERAL-AID URBAN-D  
PROGRAM, MODESTO-CERES URBAN AREA

WHEREAS, on August 12, 1974, by Resolution No. 74-678 the Council of the City of Modesto approved the procedure and criteria necessary to participate in the Federal Aid Urban-D program sponsored by the State of California and funded by the Federal Highway Administration; and

WHEREAS, Resolution No. 74-678 provided for a Technical Advisory Committee which met on April 19, 1978 and recommended the following major revisions:

1. \$200,000 be transferred from Modesto's Kansas-Needham project to Modesto's Standiford Avenue and Oakdale Road projects.
2. \$46,500 be transferred from Modesto's Empire at Yosemite project to Modesto's Standiford Avenue project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the Revised Stanislaus Federal-Aid Urban-D Program, Modesto-Ceres Urban Area, 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 May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 483

A RESOLUTION COMMENDING THE MODESTO POLICE  
RESERVES FOR CONTRIBUTIONS TO COMMUNITY  
WELFARE AND SAFETY

WHEREAS, the Modesto Police Reserves contribute numerous hours each year to the City of Modesto assisting the Police Department in protecting the health, safety, and welfare of its citizens; and

WHEREAS, there are approximately Twenty-six (26) officers in the organization, private citizens from all walks of life, who devote many hours of their own time to the Modesto Police Department, apart from their employment or business, without any pay whatsoever; and

WHEREAS, the Modesto Police Reserves work constantly with the Modesto Police Department, performing whatever duties may be requested in the way of enforcing laws, searching for missing persons, apprehending escaped convicts, aiding during times of disaster, and helping with various community activities taking place in the City; and

WHEREAS, during the year 1977 alone, the Police Reserves served a total of Twelve Thousand, Two Hundred Forty-Nine (12,249) man-hours of time for the Modesto Police Department;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that each and every man serving with the Modesto Police Reserves be commended for his untiring work in the organization which so greatly contributes to the health, safety, and general welfare of our community.

BE IT FURTHER RESOLVED that duly authenticated copies of this resolution be presented to those officers who devoted so many of their

personal hours to the Police Reserves during 1977, in recognition of performance of outstanding service to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-484

A RESOLUTION APPROVING RENEWAL OF AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA STATE PERSONNEL BOARD FOR THE PERFORMANCE OF TECHNICAL PERSONNEL SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the renewal of agreement between the City of Modesto and California State Personnel Board for the purpose of performing technical personnel services for the City of Modesto, a municipal corporation, for the period July 1, 1978 through June 30, 1981 be, and it is hereby approved.

BE IT FURTHER RESOLVED that execution of said agreement by Garth Lipsky, City Manager, is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-485

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND T. CARLYLE GREEN AND KATE W. GREEN FOR THE PURCHASE OF PROPERTY LOCATED AT 525 SUNSET AVENUE FOR USE AS AN ADDITION TO DEL WEBB SOCCER FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and T. Carlyle Green and Kate W. Green for the purchase of property located at 525 Sunset Avenue for use as an addition to Del Webb Soccer Field is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder 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 May, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-486

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOE AND RENA FOSTER AND DAVID AND BETTY JONES FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1730 EUREKA STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Joe and Rena Foster and David and Betty Jones for sewer service to property outside City limits at 1730 Eureka Street between Colusa Avenue and Butte 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 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-487

A RESOLUTION INITIATING PROCEEDINGS FOR THE PROPOSED  
ANNEXATION OF UNINHABITED TERRITORY DESCRIBED HEREIN AND  
DESIGNATED AS IRONS COURT

ANNEXATION  
TO THE CITY OF MODESTO, AND GIVING NOTICE OF TIME AND  
PLACE FOR HEARING PROTESTS THERETO.

BE IT RESOLVED by the Council of the City of Modesto:

1. That pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by the owners of territory in the County of Stanislaus requesting annexation to the City of Modesto of the Irons Court Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission determined that said territory is uninhabited and approved the initiation of proceedings for annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, a copy of which resolution is attached hereto as Exhibit A and made a part hereof by reference.

2. That the chief petitioners requesting said annexation as set forth in the application filed with the Commission are:

<u>Name</u>	<u>Address</u>
Felix Munoz	1425 Irons Court Modesto, California
Loretta Souza	1421 Irons Court Modesto, California
Howard G. Frank	1429 Irons Court Modesto, California

3. That the territory which the petitioners request be annexed to the City of Modesto and which said City and its Council propose to annex, is situated in the County of Stanislaus, State of California, has been designated as \_\_\_\_\_  
Irons Court Annexation to the City of Modesto \_\_\_\_\_,  
the exterior boundaries of which are set forth in the description attached hereto as Exhibit A and made a part hereof by reference.

4. That the reason or reasons for the proposed annexation as set forth in the proposal thereof submitted to the Commission are set forth in page 7 of the application which is attached hereto as Exhibit B and made a part hereof by reference.

5. That the terms and conditions of the proposed annexation contained in the Commission's resolution making determinations, if any, are set forth in said resolution, which is attached hereto as Exhibit C and made a part hereof by reference.

6. That no change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

BE IT FURTHER RESOLVED NOTICE IS HEREBY GIVEN that the 26th day of June, 1978, at the hour of 7:35 o'clock P.M. of said day, in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto be and the same is hereby fixed as the time and place for considering said annexation, at which time and place any person owning real property within such territory and having any objections to the proposed annexation may appear before the Council of the City of Modesto and show cause why such territory should not be so annexed.

1. Any such protest must be in writing, must be filed with the City Clerk at any time before the conclusion of the hearing on the proposed annexation, and shall state the name or names of the owner or owners of property affected and the description and area of such property, in general terms.

2. The City Clerk shall cause a copy of this resolution to be published at least twice, but not oftener than once a week in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and shall also cause a copy of this resolution to be published in the Riverbank News, being a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus. Said publications shall be completed at least twenty (20) days prior to the date set for the hearing.

3. The City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice;

(b) The chief petitioners, if any, as indicated in the petition initiating proceedings;

(c) To each affected city, county, and district; and

(d) To the executive office of the Local Agency Formation Commission.

4. The City Clerk is directed to cause written notice to be given to such other persons as may be legally entitled thereto, in the manner required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Blair Hayward  
Public Works Department

## IRONS COURT ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern line of DOWNEY HIGH SCHOOL and JOHN MUIR SCHOOL ADDITION (33), as per description filed July 27, 1950, as Instrument 16443, Stanislaus County Records;

1. thence along the existing City Limits along the Southern line of said ADDITION (33), South  $89^{\circ} 42' 00''$  East, 395.26 feet, to the center line of 60.00 foot Brighton Avenue;
2. thence continuing along the existing City Limits along the center line of Brighton Avenue and the Western line of STRATHMORE ADDITION (226), as per description filed February 13, 1969, as Instrument 4972, Stanislaus County Records, South  $00^{\circ} 20' 00''$  East, 330.02 feet;
3. thence leaving the existing City Limits, North  $89^{\circ} 39' 30''$  West, 395.53 feet;
4. thence North  $00^{\circ} 17' 30''$  West, 329.74 feet, to the point of beginning, containing 2.99 $\frac{1}{4}$  Acres, more or less.

VIII. PROPONENTS' STATEMENT

- A. State the reason(s) why the proponent(s) feel the annexation should be approved. (Note: this statement or a synopsis of it, will be included in the written report which is submitted to LAFCO.)

None

LOCAL AGENCY FORMATION COMMISSION

-----  
IN RE: IRONS COURT ANNEXATION TO --  
THE CITY OF MODESTO --  
-----

R E S O L U T I O N

April 19, 1978

WHEREAS, at the time and place previously fixed for a public hearing on the proposed Irons Court Annexation to the City of Modesto, said public hearing was held; and

WHEREAS, notice of said public hearing was given as required by Section 35055 of the Government Code of the State of California and the affidavit of Lloyd R. Brouillard to this effect is on file; and

WHEREAS, this Commission has heard all parties requesting to be heard on this matter and has given consideration to all factors required by Section 35150 of the Government Code of the State of California,

NOW, THEREFORE, this Commission finds and determines that

- (a) The territory involved in the proposal is uninhabited under the terms of the Municipal Organization Act of 1970;
- (b) The proposal is consistent with all applicable local general plans;
- (c) The annexation area could benefit from the urban services which would be provided from the City of Modesto upon annexation.

BE IT RESOLVED that

- (a) the proposal is designated as the Irons Court Annexation to the City of Modesto;
- (b) the proposal is approved as submitted;

(c) The City of Modesto is designated as the conducting agency,

(d) The Modesto City Council is instructed to initiate annexation proceedings.

Upon motion by Commissioner Arakelian , seconded by Commissioner Ulm , the foregoing resolution was duly passed and adopted at a regular meeting of the Stanislaus Local Agency Formation Commission this 19th day of April , 1978, by the following called vote:

AYES: COMMISSIONERS: Arakelian, Ulm, and Draper.

NOES: COMMISSIONERS: None

ABSENT: COMMISSIONERS: Garcia, Condit, and Rootlieb.

ABSTAINING OR  
DISQUALIFIED: COMMISSIONERS: Chairperson Siefkin.

ATTEST:

*George Gaekle*

EXECUTIVE OFFICER

I hereby certify that the foregoing is a true and correct copy of a document on file in my office. 4-28-78

STEVE R. NELSON

County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By *P. Johnson* Deputy

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-488**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON PRESENTATION OF  
THE 1978-79 PRELIMINARY BUDGET AND FOUR-YEAR CAPITAL IMPROVEMENT PROGRAM**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that June 12, 1978, at 7:55 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of presentation of the 1978-79 preliminary budget and four-year Capital Improvement Program (1978-79 through 1981-82) including the proposed revenue sharing projects for 1978-79.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Kullijian

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 489

A RESOLUTION APPROVING SUBMISSION OF ANNUAL  
TRANSPORTATION CLAIM TO STANISLAUS AREA  
ASSOCIATION OF GOVERNMENTS (SAAG)

WHEREAS, money is available from the Local Transportation Fund for use by the City of Modesto in carrying out various activities related to transportation, and

WHEREAS, annually these funds are allocated 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 \$629,912 from the Local Transportation Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that submission of the City of Modesto's Annual Transportation Claim for transit to the Stanislaus Area Association of Governments (SAAG) in the amount of \$629,912 for the fiscal year 1978-79 is hereby approved, and

BE IT FURTHER RESOLVED that the amount of \$14,009 be paid to SAAG from the total allocation of Local Transportation funds to the City of Modesto for the fiscal year 1978-79 for Transportation Planning.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-490

A RESOLUTION WAIVING THE ONE YEAR LIMITATION ON A NEW APPLICATION BY LAND BANK FINANCIAL SERVICES FOR AN AMENDMENT TO SECTION 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, TO RECLASSIFY CERTAIN PROPERTY LOCATED THEREON.

WHEREAS, Section 10-2.2103 of the Modesto Municipal Code provides that no application for a zone boundary change shall be accepted by the Planning Commission for any property or area for which a previous application for a zone boundary change has been denied until one year has elapsed from the date of such denial, except that the City Council or the Planning Commission may waive the one year limitation, and

WHEREAS, an application for a zone boundary change to amend Section 20-3-9 of the Zoning Map was filed by Land Bank Financial Services on February 14, 1978, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the north side of West Roseburg Avenue, east of Tully Road in the City of Modesto, and

Whereas, at a public hearing held on April 24, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council of the City of Modesto denied the requested rezoning, and

WHEREAS, in accordance with the provisions of Section 10-2.2103 of the Modesto Municipal Code, the Council, at its meeting held on May 15, 1978, determined that it was appropriate to waive the one year limitation in order that Land Bank Financial Services could submit a new application to the Planning Commission for an amendment to Section 20-3-9 of the Zoning Map to reclassify the property for which rezoning had been denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with the provisions of Section 10-2.2103 of the Modesto Municipal Code, it hereby waives the one year limitation for Land Bank Financial Services to submit a new application to the Planning Commission for an amendment to Section 20-3-9 of the Zoning Map to re-classify the following described property:

All that real property situated in the State of California, County of Stanislaus described as follows:

The East 87.5 feet of the East 264.0 feet of the South half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

BE IT FURTHER RESOLVED that this Council finds and determines that the waiving of the one year limitation will not adversely affect the interest of the general public.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Kullijian, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

Robert Prudde  
Department of Planning and Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-491

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF LIQUID CHLORINE**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing annual requirements of liquid chlorine copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 6, 1978 at 2:15 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Morrine Cole  
NORRINE COLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-492

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN NORTH HAMPTON PARK #4 AND WALNUT PARK**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of waterlines in North Hampton Park #4 and Walnut Park copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on May 30, 1978 at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-493

A RESOLUTION APPROVING APPROPRIATION TRANSFER TO COVER WATERLINE EXTENSIONS TO NORTH HAMPTON PARK #4 AND WALNUT PARK SUBDIVISIONS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Reserve (60-800-101)	\$65,000
TO:	Waterline Extensions (6804-500-101)	\$65,000

Additional funds are needed for waterline extensions to North Hampton Park #4 and Walnut Park Subdivisions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-494

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR IMPROVEMENT OF THE McHENRY MUSEUM PARKING LOT LOCATED AT 1402 I STREET**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for improvement of the McHenry Museum parking lot located at 1402 "I" Street copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 13, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-495**

**A RESOLUTION ACCEPTING THE BID OF MAC'S BACKHOE SERVICE FOR CONSTRUCTION OF WATERLINES IN LINCOLN SQUARE NO. 7**

**WHEREAS, Resolution No. 78-417 , adopted by the Council of the City of Modesto on April 24, 1978 , approved the plans and specifications for the construction of waterlines in Lincoln Square No. 7**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterlines in Lincoln Square No. 7 were opened at 11:10 a.m. on May 9, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Mac's Backhoe Service in the amount of \$34,457.50**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mac's Backhoe Service in the amount of \$34,457.50**

**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 15th day of May,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-496**

**A RESOLUTION ACCEPTING THE BID OF BROWN SHEET METAL AND MECHANICAL, INC.  
FOR REMODELING LIFT STATION IN THOUSAND OAKS PARK**

**WHEREAS, Resolution No. 78-336 , adopted by the Council of the  
City of Modesto on April 10, 1978 , approved the plans and speci-  
fications for the remodeling of lift station in Thousand Oaks Park**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the remodeling of lift station in  
Thousand Oaks Park**

**were opened at 11:00 a.m. on May 9, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Brown Sheet Metal and Mechanical, Inc. in the amount of \$104,303  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Brown Sheet Metal and Mechanical, Inc. in the amount  
of \$104,303  
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 15th day of May,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-497

A RESOLUTION APPROVING APPROPRIATION TRANSFER TO COVER ADDITIONAL EXPENSES OF REMODELING THE LIFT STATION IN THOUSAND OAKS PARK

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: General Reserve                    \$10,000  
      (60-800-212)

TO: Thousand Oak Station            \$10,000  
      Renovation (6609-212)

The Thousand Oaks Sewage Lift Station was budgeted in the 1975-76 CIP for renovation. The low bid was \$8,303 (8.6%) above the estimate. The \$10,000 appropriation transfer will cover the \$8,303 over the estimate plus contingencies.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES:            Councilmembers: None  
ABSENT:          Councilmembers: None

ATTEST: *Norrine Coyle*  
          NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-498**

**A RESOLUTION ACCEPTING THE BID OF BIBENS NURSERY COMPANY FOR THE  
INSTALLATION OF PLAYGROUND EQUIPMENT AT REVAR D PARK**

**WHEREAS, Resolution No. 78-371 , adopted by the Council of the  
City of Modesto on April 17, 1978 , approved the plans and speci-  
fications for the installation of playground equipment at Revard Park  
and authorized the calling for bids, and**

**WHEREAS, the bids received for the installation of playground  
equipment at Revard Park  
were opened at 11:05 a.m. on May 9, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Bibens Nursery Company in the amount of \$29,635  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Bibens Nursery Company in the amount of \$29,635  
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 15th day of May,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-499

**A RESOLUTION ACCEPTING THE BID OF FLINTKOTE COMPANY FOR FURNISHING  
READY-MIX CONCRETE**

WHEREAS, Resolution No. 78-416 , adopted by the Council of the City of Modesto on April 24, 1978 , approved the plans and specifications for the furnishing of ready-mix concrete

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of ready-mix concrete

were opened at 2:20 p.m. on May 9, 1978, 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 Flintkote Company in the amount of \$12,600

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Flintkote Company in the amount of \$12,600

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 15th day of May,

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-500

**A RESOLUTION ACCEPTING THE BID OF THE FLINTKOTE COMPANY TO FURNISH  
ROCK, SAND AND GRAVEL**

WHEREAS, Resolution No. 78-415 , adopted by the Council of the  
City of Modesto on April 24, 1978 , approved the plans and speci-  
fications for the furnishing of rock, sand, and gravel products

and authorized the calling for bids, and

WHEREAS, the bids received for the furnishing of rock, sand, and  
gravel products  
were opened at 2:15 p.m. on May 9, 1978, 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 The Flintkote Company for white plaster sand at \$6.00/ton,  
fine agg. at \$6.00/ton and fill sand at \$5.00/ton  
be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of The Flintkote Company for white plaster sand at \$6.00/ton,  
fine agg. at \$6.00/ton and fill sand at \$5.00/ton  
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 15th day of May,

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-501**

**A RESOLUTION ACCEPTING THE BID OF M.J. RUDDY & SON TO FURNISH ROCK,  
SAND, AND GRAVEL PRODUCTS**

**WHEREAS, Resolution No. 78-415 , adopted by the Council of the  
City of Modesto on April 24, 1978 , approved the plans and speci-  
fications for the furnishing of rock, sand, and gravel products**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of rock, sand, and  
gravel products  
were opened at 2:15 p.m. on May 9, 1978, 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 M.J. Ruddy and Son for conc. mix agg. at \$4.25/ton, agg. base  
at \$4.00/ton, drain rock at \$4.25/ton and crushed rock at \$6.25/ton  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of M.J. Ruddy and Son for conc. mix agg. at \$4.25/ton, agg.  
base at \$4.00/ton, drain rock at \$4.25/ton and crushed rock at \$6.25/ton  
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 15th day of May,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-502

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN McHENRY AVENUE FROM MEILY WAY AND IN PROPOSED CORALWOOD RD.; AND WATERLINES IN PENNY LANE FROM CAPISTRANO DRIVE TO PIRINEN LANE

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in McHenry Avenue from Meily Way and in proposed Coralwood Rd.; and waterlines in Penny Lane from Capistrano Drive to Pirinen Lane has been completed by W. Gale Fisher, Inc.

in accordance with the contract agreement dated January 3, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in McHenry Avenue from Meily Way and in proposed Coralwood Rd.; and waterlines in Penny Lane from Capistrano Drive to Pirinen Lane

be accepted from said contractor, W. Gale Fisher, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$54,326.80 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 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-503

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN COLONIAL COMMONS NO. 1

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Colonial Commons No. 1 has been completed by W. Gale Fisher, Inc.

in accordance with the contract agreement dated January 3, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Colonial Commons No. 1

be accepted from said contractor, W. Gale Fisher, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$40,675.95 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyze  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-504

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY TO WIDEN AND RECONSTRUCT SCENIC DRIVE FROM SCENIC GENERAL HOSPITAL TO OAKDALE ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County to widen and reconstruct Scenic Drive from Scenic General Hospital to Oakdale 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 May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-505

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE BURBANK-PARADISE  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Burbank-Paradise  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Yvonne Addition  
by Resolution No. 78-239 adopted on February 27,  
1978, and said addition officially became a part of the City of  
Modesto on April 19, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Burbank-Paradise Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Lawrence Campbell  
Public Works Department

YVONNE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the point common to the Southwest corner of KAZMIR COURT ADDITION (245), as per description filed December 1, 1969 as Instrument 39361, Stanislaus County Records, and the Northwest corner of MINENI MANOR ADDITION (63), as per description filed July 26, 1955 as Instrument 21227, Stanislaus County Records;

1. thence along the existing City Limits and the Western line of said ADDITION (63), South  $0^{\circ} 27' 00''$  East, 577.33 feet to a point common to the Northwest corner of BELLENITA ADDITION (169), as per description filed October 19, 1964 as Instrument 41437, Stanislaus County Records, and the Northeast corner of WEST VIEW GARDENS ADDITION (189), as per description filed May 12, 1966 as Instrument 17050, Stanislaus County Records;
2. thence continuing along the existing City Limits and the Northern line of said ADDITION (189), South  $89^{\circ} 24' 00''$  West, 485.50 feet;
3. thence leaving the existing City Limits, North  $0^{\circ} 27' 00''$  West, 515.83 feet to the center line of a 30.00 foot ditch;
4. thence along the center line of said ditch, North  $82^{\circ} 11' 00''$  East, 489.54 feet, to the point of beginning, containing 6.092 acres, more or less.



SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 177.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, July 3, 1978, at the hour of 4:00 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 177.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The Northeast corner of the Annexation.
- (2) The Eastern line of the Annexation at the Northwest corner of Victor Way.
- (3) The Southeast corner of the Annexation.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 177, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Bob Campbell*  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Covle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on May 15 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Dunlap, seconded by Councilman Lang, and adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: May 15, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

YVONNE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the point common to the Southwest corner of KAZMIR COURT ADDITION (245), as per description filed December 1, 1969 as Instrument 39361, Stanislaus County Records, and the Northwest corner of MINENI MANOR ADDITION (63), as per description filed July 26, 1955 as Instrument 21227, Stanislaus County Records;

1. thence along the existing City Limits and the Western line of said ADDITION (63), South  $0^{\circ} 27' 00''$  East, 577.33 feet to a point common to the Northwest corner of BELLENITA ADDITION (169), as per description filed October 19, 1964 as Instrument 41437, Stanislaus County Records, and the Northeast corner of WEST VIEW GARDENS ADDITION (189), as per description filed May 12, 1966 as Instrument 17050, Stanislaus County Records;
2. thence continuing along the existing City Limits and the Northern line of said ADDITION (189), South  $89^{\circ} 24' 00''$  West, 485.50 feet;
3. thence leaving the existing City Limits, North  $0^{\circ} 27' 00''$  West, 515.83 feet to the center line of a 30.00 foot ditch;
4. thence along the center line of said ditch, North  $82^{\circ} 11' 00''$  East, 489.54 feet, to the point of beginning, containing 6.092 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-507

A RESOLUTION GIVING NOTICE OF THE PROPOSED ANNEXATION  
TO THE CITY OF MODESTO OF UNINHABITED TERRITORY  
DESCRIBED HEREIN AND DESIGNATED AS KANSAS AVENUE  
ADDITION AND GIVING NOTICE OF  
TIME AND PLACE FOR HEARING PROTESTS THERETO.

BE IT RESOLVED by the Council of the City of Modesto:

1. That, pursuant to the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, a petition signed by owners of not less than one-fourth (1/4) of the land in the hereinafter described territory by area and by assessed value as shown on the last equalized assessment roll of the County of Stanislaus was filed with the Council of the City of Modesto on April 13, 1978, requesting annexation of the hereinafter described territory to said City.

2. That the territory which the petitioners request be annexed to the City of Modesto and which said City and its Council propose to annex, is situate in the County of Stanislaus, State of California, hereby designated as Kansas Avenue Addition, and described as attached hereto and made a part hereof as though set forth in full herein.

3. That the matter of the proposed annexation to the City of Modesto of said territory has been referred to the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission did on February 22, 1978, approve the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code.

4. That no change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

5. NOTICE IS HEREBY GIVEN that the 10th day of July, 1978, at the hour of 7:30 o'clock P.M. of said day, in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto, be and the same is hereby fixed as the time and place for considering said petition, at which time and place any person owning real property within such territory and having any objections to the proposed annexation may appear before the Council of the City of Modesto and show cause why such territory should not be so annexed. The protest must be in writing, may be filed at any time before the hour set for hearing objections to the proposed annexation, and shall state the name or names of the owner or owners of property affected and the description and area of such property, in general terms.

6. The City Clerk shall cause a copy of this resolution to be published at least twice, but not oftener than once a week in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and shall also cause a copy of this resolution to be published in the Riverbank News, being a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus. Said publications shall be completed at least twenty (20) days prior to the date set for the hearing.

7. The City Clerk of the City of Modesto shall also cause written notice of such proposed annexation to be mailed to each person to whom land within the territory proposed to be annexed is assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address shown on said assessment roll or as known to said Clerk, and to any person who has filed his name and address and the

designation of the land in which he has any interest, either legal or equitable, with said Clerk. Said notices shall be mailed not less than twenty (20) days before the public hearing on the proposed annexation.

8. In the event any land within the territory proposed to be annexed is owned by the County of Stanislaus, the City Clerk is directed to cause written notice of such proposed annexation to be mailed to the Board of Supervisors of the County, such notice to be given not less than twenty (20) days before the public hearing on the proposed annexation.

9. In the event there is, upon the land proposed to be annexed, a structural improvement owned, being acquired or leased by a county fire protection district, the City Clerk is directed to cause written notice of such proposed annexation to be mailed to the governing body of such district, such notice to be sent not less than ten (10) days before the public hearing on the proposed annexation.

10. The City Clerk is directed to cause written notice to be given to such other persons as may be legally entitled thereto, in the manner required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap,

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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ray Campbell*  
Public Works Department

## KANSAS AVENUE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the NORTHWEST ADDITION (44) as per description filed December 10, 1951, as Instrument No. 28460, Stanislaus County Records;

1. thence along the Southwestern boundary of said Addition (44), South  $0^{\circ} 35' 05''$  East, 729.16 feet, to the Southern line of 40.00 foot Kansas Avenue, and the quarter corner of Sections 30/29;
2. thence continuing along the existing City Limits and section line along Franklin Street, South  $0^{\circ} 35' 05''$  East, 1206.90 feet, to the Southern right-of-way line of future State Highway 132;
3. thence leaving the existing City Limits, and continuing along said Southern right-of-way line, North  $52^{\circ} 22' 45''$  West, 396.48 feet;
4. thence North  $89^{\circ} 47' 00''$  West, 12.17 feet;
5. thence North  $52^{\circ} 22' 45''$  West, 241.08 feet;
6. thence North  $56^{\circ} 48' 27''$  West, 208.53 feet;
7. thence North  $65^{\circ} 30' 34''$  West, 288.33 feet;
8. thence North  $76^{\circ} 34' 00''$  West, 385.37 feet;
9. thence North  $86^{\circ} 18' 44''$  West, 107.80 feet;
10. thence North  $89^{\circ} 47' 00''$  West, 1236.26 feet, to the center line of 40.00 foot Emerald Avenue;
11. thence along said center line, South  $00^{\circ} 12' 07''$  East, 492.85 feet, to the center line of 60.00 foot Elm Avenue;
12. thence continuing along said center line, North  $89^{\circ} 28' 07''$  West, 564.67 feet;
13. thence North  $00^{\circ} 12' 07''$  West, 492.99 feet, to the Southern right-of-way line for future State Highway 132;
14. thence continuing along said right-of-way line, North  $89^{\circ} 28' 22''$  West, 821.33 feet;
15. thence South  $89^{\circ} 12' 44''$  West, 376.14 feet;
16. thence South  $86^{\circ} 53' 24''$  West, 375.52 feet;
17. thence South  $80^{\circ} 04' 49''$  West, 386.02 feet;
18. thence South  $30^{\circ} 24' 37''$  West, 165.75 feet;
19. thence South  $89^{\circ} 28' 26''$  West, 45.00 feet, to the center line of 90.00 foot Carpenter Road;
20. thence along said center line, North  $00^{\circ} 31' 34''$  West, 650.00 feet;
21. thence North  $89^{\circ} 28' 26''$  East, 45.00 feet, to the Northern right-of-way line of future State Highway 132;
22. thence continuing along said right-of-way line, South  $47^{\circ} 33' 16''$  East, 125.90 feet;
23. thence South  $80^{\circ} 49' 38''$  East, 543.24 feet;
24. thence South  $86^{\circ} 03' 28''$  East, 493.01 feet;
25. thence South  $89^{\circ} 30' 35''$  East, 800.00 feet;
26. thence North  $88^{\circ} 45' 57''$  East, 680.47 feet to the center

- line of 40.00 foot Emerald Avenue;
27. thence along said center line North  $00^{\circ} 12' 07''$  West, 262.60 feet, to the quarter section line and Southern line of Kansas Avenue;
  28. thence continuing along said street, South  $89^{\circ} 47' 00''$  East, 25.00 feet, to the interior quarter corner of Section 30;
  29. thence South  $89^{\circ} 47' 00''$  East, 35.00 feet, to the center line of 40.00 foot Emerald Avenue;
  30. thence along said center line, North  $00^{\circ} 11' 40''$  West, 1632.07 feet;
  31. thence North  $89^{\circ} 39' 17''$  East, 30.00 feet, to the Northeastern line of 28.00 foot Barium Road;
  32. thence continuing along the Northeastern line of said road, South  $13^{\circ} 46' 00''$  East, 81.72 feet;
  33. thence South  $43^{\circ} 07' 30''$  East, 1084.67 feet;
  34. thence along a curve having a Radius of 1972.00 feet, a Central Angle of  $3^{\circ} 35' 21''$ , and an Arc Length of 123.53 feet;
  35. thence South  $89^{\circ} 47' 15''$  East, 89.26 feet;
  36. thence South  $00^{\circ} 11' 40''$  East, 69.47 feet;
  37. thence South  $37^{\circ} 24' 39''$  East, 35.78 feet;
  38. thence South  $49^{\circ} 22' 30''$  East, 142.01 feet;
  39. thence North  $00^{\circ} 11' 40''$  West, 231.60 feet;
  40. thence South  $89^{\circ} 48' 20''$  West, 14.07 feet;
  41. thence North  $00^{\circ} 11' 40''$  West, 20.04 feet;
  42. thence North  $07^{\circ} 58' 20''$  East, 98.55 feet;
  43. thence North  $00^{\circ} 11' 40''$  West, 484.27 feet;
  44. thence along a curve having a Radius of 583.14 feet, a Central Angle of  $21^{\circ} 53' 00''$ , and an Arc Length of 222.72 feet;
  45. thence North  $21^{\circ} 41' 20''$  East, 135.05 feet;
  46. thence along a curve having a Radius of 562.22 feet, a Central Angle of  $47^{\circ} 37' 57''$ , and an Arc Length of 467.40 feet;
  47. thence North  $00^{\circ} 11' 40''$  West, 7.02 feet;
  48. thence North  $47^{\circ} 18' 10''$  East, 100.00 feet;
  49. thence South  $42^{\circ} 51' 50''$  East, 2003.90 feet, to the point of beginning, containing 131.662 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-508

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GEORGE R. AND PHYLLIS L. SANDERS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1019 EMERALD AVENUE**

BE IT **HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and George R. and Phyllis L. Sanders for sewer service to property outside City limits at 1019 Emerald Avenue be, and it is hereby approved.

BE IT **FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-509

A RESOLUTION APPROVING SUBSTITUTION OF SUBCONTRACTOR BY CHET CUMMINS CONSTRUCTION COMPANY, CONTRACTOR FOR REVARO PARK UTILITY BUILDING PROJECT

WHEREAS, the City of Modesto has contracted with Chet Cummins Construction Company for the Revard Park Utility Building; and

WHEREAS, David's Roofing Service, 228 Empire Avenue, Modesto, California, was originally submitted as the subcontractor for the roofing; and

WHEREAS, David's Roofing made an error in computing totals on their bid and have refused to sign the subcontract per their verbal quotation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the substitution of Alcal Roofing, 1155 North Emerald Avenue, Modesto, California, as roofing subcontractor for the Revard Park Utility Building project, replacing David's Roofing Service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-510

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16-3-9 OF THE ZONING MAP (Rodney Johnson)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 2, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-D property located on the South side of Floyd Ave. opposite MacDougal St., to allow construction of a 20-dwelling multiple-family residential complex the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No.

recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 16-3-9 of the Zoning Map be set for June 5, 1978, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

ALL of Lot 15 of Coffee Colony, as per Map filed January 13, 1906, in Volume 2 of Maps, Page 22, Stanislaus County Records.

EXCEPTING therefrom all that portion thereof described as follows:

BEGINNING at the Southwest corner of said Lot 15 and running thence North  $0^{\circ} 42'$  West along the West line of said Lot 15, a distance of 16.32 feet to the Southwest corner of Village Manor Unit No. 1, as per Map filed March 14, 1961, in Volume 19 of Maps, Page 60, Stanislaus County Records; thence following the South boundary of said Village Manor Unit No. 1, the following two courses and distances, to-wit: South  $87^{\circ} 39' 24''$  East 167.08 feet and South  $80^{\circ} 23' 19''$  East 69.05 feet to a point on the Southline of Lot 15 above referred to; thence along said South lot line North  $89^{\circ} 30'$  West a distance of 234.83 feet to the point of beginning.

ALSO EXCEPTING THEREFROM all that portion thereof included within the subdivision known as Village Manor Unit No. 1 as per Map filed March 14, 1961, in Volume 19 of Maps, Page 60, Stanislaus County Records.

ALSO EXCEPTING THEREFROM all that portion thereof included within the Subdivision known as Village Manor Unit No. 2, as per Map filed January 3, 1962, in Volume 19 of Maps, Page 94, Stanislaus County Records.

SCHEDULE "A"  
Agenda 5/15/78  
Item 29

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-511

A RESOLUTION APPROVING THE REQUEST OF ZAGARIS REAL ESTATE FOR REFUND OF BUSINESS IMPROVEMENT AREA TAX IN THE AMOUNT OF \$842.67.

BE IT RESOLVED by the Council of the City of Modesto that the request of Zagaris Real Estate for refund of \$842.67 for overpayment of Business Improvement Area Tax is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 512

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS  
PROPERTY.

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Manager is hereby authorized and directed to sell certain automotive equipment of the City of Modesto as shown on that certain document entitled "City of Modesto Surplus Property Listing Sheet" dated May 10, 1978, on file in the office of the City Clerk. Said automotive equipment has been found to be surplus and of no use to the City.

SECTION 2. The foregoing sales shall be made at public auction in the City of Modesto on June 3, 1978. At least five (5) days before the time of said date, 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 a list of the items of automotive equipment to be offered for sale can be inspected in the office of the City Clerk.

The sale shall be conducted by the City Manager or by such person as he may select for this purpose. All items of automotive equipment not sold at said auction sales shall be disposed of in such manner as the City Manager deems to be in the best interest of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None.

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-513

LEASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND BASIC RESOURCES, INC., FOR RENTAL OF SPACE IN THE BEATY BUILDING FOR THE HOUSING PROGRAM OFFICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
lease  
that the/agreement between the City of Modesto and Basic Resources, Inc.

for rental of space in the Beaty Building 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 15th day of  
May, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-514

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$71,000 TO PURCHASE PROPERTY NORTH OF THE McHENRY MANSION FOR PARKING

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Reserve (60-800-321) \$71,000  
TO: McHenry Mansion Parking \$71,000  
Lot (6950-270-321)

These funds are needed to purchase the property north of the McHenry Mansion for parking for mansion visitors and users.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
·NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-515

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR SALE OF BUILDINGS LOCATED AT 617 AND 621 S. SUNSET AVENUE**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the sale of buildings located at 617 and 621 S. Sunset 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 19, 1978, at 10:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council 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 22nd day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-516

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS FOR LIQUID AND EMULSIFIED ASPHALTS**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing annual requirements for liquid and emulsified asphalts copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 6, 1978, at 2:30 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-517

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ANNUAL REQUIREMENTS OF DRY CELL BATTERIES**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing annual requirements of dry cell batteries copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 6, 1978, at 2:35 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-518

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ANNUAL LAMP REQUIREMENTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing annual lamp 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 13, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-519**

**A RESOLUTION ACCEPTING THE BID OF MAC'S BACKHOE SERVICE FOR CONSTRUCTION OF WATERLINES IN "K" STREET AT SEVENTH STREET AND SUNRISE NO. 2**

**WHEREAS, Resolution No. 78-438 , adopted by the Council of the City of Modesto on May 1, 1978 , approved the plans and specifications for the construction of waterlines in "K" Street at Seventh Street and Sunrise No. 2**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterlines in "K" Street at Seventh Street and Sunrise No. 2 were opened at 11:05 a.m. on May 16, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Mac's Backhoe Service in the amount of \$17,007**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mac's Backhoe Service in the amount of \$17,007**

**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 May,**

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-520**

**A RESOLUTION ACCEPTING THE BID OF PUREGRO COMPANY FOR FURNISHING  
LIQUID ANHYDROUS AMMONIA**

**WHEREAS, Resolution No. 78-437 , adopted by the Council of the  
City of Modesto on May 1, 1978 , approved the plans and speci-  
fications for the furnishing of liquid anhydrous ammonia**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of liquid  
anhydrous ammonia  
were opened at 2:00 p.m. on May 16, 1978, 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 Puregro Company in the amount of \$169.50 per ton  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Puregro Company in the amount of \$169.50 per ton  
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 May,**

1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-521**

**A RESOLUTION ACCEPTING THE BID OF WILLIAM M. MINENI FOR THE CONSTRUCTION  
OF REVARD PARK POOL**

**WHEREAS, Resolution No. 78-418 , adopted by the Council of the  
City of Modesto on April 24, 1978 , approved the plans and speci-  
fications for the construction of Revard Park Pool**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of Revard Park  
Pool**

**were opened at 11:00 a.m. on May 16, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of William M. Mineni in the amount of \$39,080**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of William M. Mineni in the amount of \$39,080**

**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 May,**

1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-522**

**A RESOLUTION ACCEPTING THE BID OF CHAS. I. CUNNINGHAM COMPANY FOR CONSTRUCTION OF SITE IMPROVEMENTS AT PUMP STATION NO. 14 ON VIRGINIA AVENUE**

**WHEREAS, Resolution No. 78-262 , adopted by the Council of the City of Modesto on March 13, 1978 , approved the plans and specifications for the construction of site improvements at Pump Station No. 14 on Virginia Avenue and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of site improvements at Pump Station No. 14 on Virginia Avenue were opened at 11:10 a.m. on May 16, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Chas. I. Cunningham Company in the amount of \$42,000 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Chas. I. Cunningham Company in the amount of \$42,000 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 22nd day of May,**

19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-523

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN TOWERY PLAZA  
AND WATERLINE EXTENSION IN GAYLE AVENUE

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of waterlines in Towyery Plaza  
and waterline extension in Gayle Avenue  
has been completed by Joe Martin

in accordance with the contract agreement dated January 17, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines  
in Towyery Plaza and waterline extension in Gayle Avenue  
be accepted from said contractor, Joe Martin;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$33,973.60  
as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 22nd day of  
May, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-524

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN PERSIAN TERRACE  
#2 AND WESTRIDGE #1

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Persian Terrace #2 and Westridge #1 has been completed by Joe Martin

in accordance with the contract agreement dated September 13, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Persian Terrace #2 and Westridge #1 be accepted from said contractor, Joe Martin;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$122,787 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 May, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-525

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (PELANDALE NO. 1 ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on April 17, 1978, duly adopted Resolution No. 78-388 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 173 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, May 22, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 173 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 173 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 173, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 173, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ron Campbell*  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on May 22 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Siefkin, and adopted by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Elliott

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: May 22, 1978

  
Norrine Coyle  
City Clerk of the City of Modesto,  
California

October 12, 1977  
September 21, 1977

PELANDALE NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, being in the Southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the 1/4 section corner common to Sections 2 and 11 and as established by a Northeastern corner of BECKWITH NO. 1 ADDITION (305), as per description filed June 19, 1973, as Instrument 54524, Stanislaus County Records;

1. thence along the existing City Limits on a northerly line of said Addition (305), South  $89^{\circ} 52' 45''$  West, 987.62 feet;
2. thence continuing along the existing City Limits on an easterly line of said Addition (305), North  $00^{\circ} 15' 30''$  East, 1328.84 feet;
3. thence leaving the existing City Limits along the centerline of 40.00 foot Pelandale Avenue, North  $89^{\circ} 57' 00''$  East, 3629.11 feet;
4. thence along the centerline of 50.00 foot Dale Road, South  $0^{\circ} 18' 00''$  West, 1324.75 feet, to the Section corner common to Sections 1, 2, 11, and 12;
5. thence South  $89^{\circ} 53' 20''$  West, 2640.55 feet to the point of beginning, containing 110.516 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-526

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (YELLOWSTONE-TEMPERATE ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on April 17, 1978, duly adopted Resolution No. 78-389 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 174 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, May 22, 1978, at the hour of 7:35 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 174 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 174 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 174, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 174, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *R. Campbell*  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on May 22 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

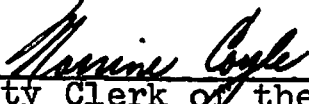
At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Siefkin, and adopted by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Elliott

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: May 22, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

## YELLOWSTONE - TEMPERATE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern line of the ROSEMORE-WOODLAND ADDITION (347), as per description filed October 14, 1976, as Instrument 19721, Stanislaus County Records, said point being the intersection at the centerline of 40.00 foot Woodland Avenue, and the centerline of 50.00 foot Yellowstone Avenue:

1. thence along the Southern line of said Addition (347) and centerline of 40.00 foot Woodland Avenue, North  $89^{\circ} 06' 00''$  East, 527.00 feet;
2. thence leaving the existing City Limits and continuing along Woodland Avenue, North  $89^{\circ} 06' 00''$  East, 133.00 feet to the centerline of 50.00 foot Shasta Avenue;
3. thence along said centerline, South  $1^{\circ} 01' 00''$  East, 660.00 feet, to the centerline of 50.00 foot Temperate Avenue;
4. thence along the centerline of Temperate Avenue, North  $89^{\circ} 06' 00''$  East, 660.00 feet, to the centerline of 50.00 foot Diablo Avenue;
5. thence along the center of Diablo Avenue, South  $1^{\circ} 01' 00''$  East, 660.00 feet, to the centerline of 50.00 foot Torrid Avenue;
6. thence along the center of Torrid Avenue, South  $89^{\circ} 06' 00''$  West, 1320.00 feet, to the centerline of 50.00 foot Yellowstone Avenue;
7. thence along the centerline of Yellowstone Avenue, North  $1^{\circ} 01' 00''$  West, 1320.00 feet, to the point of beginning, containing 29.999 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-527

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE VENEMAN NO. 2 ANNEXATION TO THE CITY OF  
MODESTO.

WHEREAS, pursuant to the provisions of Part 2 of Division 2  
of Title 4 of the Government Code of the State of California (Municipal  
Organization Act of 1977), a petition signed by the owners of territory  
in the County of Stanislaus requesting annexation to the City of  
Modesto of the Veneman No. 2 Annexation to the City of Modesto  
was filed with the Stanislaus County Local Agency Formation Commission  
for its consideration and approval, and said Stanislaus County Local  
Agency Formation Commission (LAFCO) by resolution adopted on the  
29th day of March, 1978, determined that said territory  
is uninhabited and approved the initiation of proceedings for annexation  
of said uninhabited territory to the City of Modesto, and

WHEREAS, said uninhabited territory is situated in the County  
of Stanislaus, State of California, and contiguous to the City of Modesto,  
and

WHEREAS, the City Council by Resolution No. 78-393 adopted  
on the 17th day of April, 1978, initiated proceedings  
to annex said territory and set a hearing at the hour of 7:45 o'clock  
P.M. on the 22nd day of May, 1978, in the Council  
Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds  
that all the requirements of Municipal Organization Act of 1977, as  
amended, have been complied with, and that a copy of the resolution

giving notice of the proposed annexation and fixing the time and place for hearing protests to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on April 27, 1978, and on May 4, 1978 and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 3, 1978, and on May 10, 1978, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto not less than twenty (20) days before the date set for public hearing to:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice;

(b) The chief petitioners, if any, as indicated in the petition initiating proceedings;

(c) To each affected city, county, and district;

(d) To the executive office of the Local Agency Formation Commission; and

(e) To such other persons as were legally entitled thereto, and

WHEREAS, on the 22nd day of May, 1978, at the hour of 7:45 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus,

State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and written protests have not been filed by the owners of fifty (50%) percent of the total assessed value of land and improvements within the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

2. The area or territory so annexed, designated as the Veneman No. 2 Annexation to the City of Modesto, is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, six certified copies of this resolution, stating the date of its passage; to immediately make six copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Alfred*  
Public Works Department

VENEMAN NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a corner of STANDIFORD-SNYDER ADDITION (360), as per description filed September 20, 1977 as Instrument 18800, Stanislaus County Records, said point being on the West line of Section 12;

1. thence along the existing City Limits and a Western line of said ADDITION (360), South  $00^{\circ} 42' 30''$  East, 954.13 feet, to a Southwest corner of said ADDITION (360) and the center line of 40.00 foot Standiford Avenue;
2. thence leaving the existing City Limits along said center line, South  $88^{\circ} 47' 00''$  West, 1631.58 feet, to a Northeast corner of CONANT NO. 1 ADDITION (294), as per description filed July 27, 1972 as Instrument 3721, Stanislaus County Records;
3. thence along the existing City Limits along said avenue and Northern line of said ADDITION (294), South  $88^{\circ} 47' 00''$  West, 1022.07 feet, to the Southeast corner of VENEMAN ADDITION (337), as per description filed January 16, 1976 as Instrument 31886, Stanislaus County Records;
4. thence continuing along the existing City Limits along the Eastern line of said ADDITION (337), North  $00^{\circ} 00' 44''$  East, 992.58 feet;
5. thence leaving the existing City Limits, North  $89^{\circ} 36' 48''$  East, 2110.46 feet, to a Southwest corner of STANDIFORD-SNYDER ADDITION (360);
6. thence along the existing City Limits, North  $89^{\circ} 36' 48''$  East, 530.64 feet to the point of beginning, containing 59.151 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-528

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF  
IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF  
MODESTO

WHEREAS, Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council, did, on May 1, 19 78, adopt its Resolution No. 78-452, ordering the installation of certain improvements along certain streets in the City of Modesto, as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, the Council did by said resolution, set the \_\_\_\_\_ day of May, 19 78, at 7:50 o'clock P.M., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work, and

WHEREAS, the Superintendent of Streets has caused notices to be given as directed by said Resolution No. 78-452, and

WHEREAS, at the time set for hearing the protests and objections, if any, to the proposed work, the said Council proceeded to hear the same,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices which are attached hereto, and incorporated by reference herein, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the attached notices in accordance with the provisions of Resolution No. 78-452 and Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

  
NORRINE COYLE, City Clerk

INSTALLATION OF CURBS AND/OR SIDEWALKS

- (b) Curb and sidewalk at 153 South Santa Cruz Avenue, Lots 5 and 6 of Block 2053. (Richard F. Bettencourt)
- (c) Sidewalk at 613 Bermuda Avenue, Lot 9 of Block 6226-A. (John Bongjello)
- (d) Sidewalk at 2617 Brenner Way, Lot 3 of Block 7255 (Joel Sulter)
- (e) Curb and sidewalk along Franklin Street at 325 Maze Blvd., Lots 1 and 2 of Block 421 (H. W. Garber)
- (f) Sidewalk at 2521 Brenner Way, Lot 12 of Block 7255 (Lyndell C. Halbert)
- (g) Sidewalk at 1422 Leonard Avenue, a portion of Block 901 (Alvin R. Rumsey)
- (h) Curb and sidewalk at 141 South Santa Cruz Avenue, a portion of Block 2053 (Don Lee)
- (i) Curb and sidewalk at 177 South Santa Cruz, Lot 7 of Block 2053.
- (j) Sidewalk along Leonard at 630 Kearney Avenue, a portion of Block 901. (Elvan Overholtzer)
- (k) Curb at 438 Leon Avenue, Lot 29 and 30 of Block 354 (Harold A. Parker)
- (l) Curb along Leon Avenue at 402 Leon Avenue, Lots 47 and 48 of Block 254 (Harry S. Paul)
- (m) Curb and sidewalk at 2621 Brenner Way, Lot 2 of Block 7255 (James B. Perry)
- (n) Sidewalk at 1422 Leonard Avenue, a portion of Block 901 (Alvin R. Rumsey)
- (p) Curb and sidewalk along South Santa Cruz and along Yosemite Blvd. at 1234 Yosemite Blvd., Lots 1 and 2 of Block 2053 (Richard T. Vine)
- (q) Curb and sidewalk along Franklin Street at 523 Franklin Street, a portion of Block 4091 (Mary A. Webb)
- (r) Curb and sidewalk along Foy Street at 132 Maynell Avenue, Lots 36 and 37 of Block 558. (Theodore W. Werning)
- (s) Curb and sidewalk along Franklin Street at 327 Ruberto Street, Lots 13 and 14 of Block 344. (B.H. Wilcox)
- (t) Curb and sidewalk at 137 South Santa Cruz Avenue, a portion of Block 2053 (Benjamin L. Zakarian)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-529

A RESOLUTION DENYING THE APPEAL FILED BY LARRY P. WARD FOR AN AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Larry P. Ward on Marh 17, 1978, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the west side of Carver Road north of Sheldon Avenue, described as follows:

All that portion of Section 7, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian as follows:

The Easterly 110 feet of the Northerly 130 feet and the Easterly 110 feet of the Southerly 65 feet of Parcel 2 as shown on the map filed in Book 25 of Parcel Maps at Page 42 including the Westerly 30 feet of Carver Road immediately to the above described properties,

and

WHEREAS, said application was set for public hearing before the Planning Commission at its regular meeting of April 18, 1978, at its regular meeting place located in the Council Chambers in the City Hall, 801 - 11th Street, Modesto, California, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 78-60, denied the requested amendment to Section 7-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the property described above located on the west side of Carver Road north of Sheldon Avenue for the following reasons:

1. The subject property is located in the interior of the Goldsworthy Neighborhood away from the perimeter of major streets of that neighborhood.

2. The proposed R-2 rezoning does not conform to the locational criteria as contained in the policy prototype of the Modesto Urban Area General Plan.
3. Approval of the requested strip R-2 zoning would proliferate R-2 zoning along Carver Road, an outmoded pattern no longer employed,

and

WHEREAS, an appeal was filed with the City Clerk of the City of Modesto by Larry P. Ward, by letter dated April 25, 1978, to the decision of the Planning Commission denying his application to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the property hereinabove described, located on the west side of Carver Road north of Sheldon Avenue, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:55 o'clock p.m. on Monday, May 22, 1978, and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Larry P. Ward to the decision of the Planning Commission denying rezoning from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property located on the west side of Carver Road north of Sheldon Avenue should be denied for the reasons set forth in Planning Commission Resolution No. 89-60, and quoted above, and that the decision of the Planning Commission denying the requested rezoning should be affirmed, and

WHEREAS, the City Council at said Council meeting 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 proposed rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Larry P. Ward to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 78-60 denying rezoning from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property, located on the west side of Carver Road north of Sheldon Avenue, be denied, for the reasons set forth in Planning Commission Resolution No. 78-60, and quoted above, and the decision of the Planning Commission denying the requested rezoning is hereby affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: Kullijian  
ABSENT: Councilmembers: Elliott

(SEAL)

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

*William Probst*  
Director of Planning and Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-530

A RESOLUTION APPROVING THE FINAL MAP OF THE  
FRANSEN ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Donald R. Zensen and Ellen J. Zensen, husband and wife

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~~is~~ (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 4.321 acres, known as the  
Fransen Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 15th day of  
November 1977, 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 Fransen Estates  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

Norrine Cole  
NORRINE COLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-531

A RESOLUTION APPROVING THE FINAL MAP OF THE  
HOLLANDIA ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Jan F. Rouw and Deane Virgin Rouw, husband and wife,

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~~XX~~ (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 16.899 acres, known as the  
Hollandia Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 4th day of  
October, 1977, 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 Hollandia Estates  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-532

LEASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
DONALD M. JACK FOR A CITY-OWNED HOUSE AT 608 BRIGHTON

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the <sup>lease</sup>/agreement between the City of Modesto and Donald M.  
Jack  
for City-owned house at 608 Brighton

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
May, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-533

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF MODESTO.

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendment to said law, and

WHEREAS, one of the steps in the procedure to amend this contract is the adoption by the legislative body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract, and

WHEREAS, the following is a statement of the proposed change:

1. Provide Section 21251.13 (Full 1/50 formula) for miscellaneous members.
2. Provide Section 20024.2 (one-year final compensation) for miscellaneous members.
3. Provide Section 21298 (increased non-industrial disability) for miscellaneous members.
4. Provide Section 21390 (increased level of 1959 Survivors) for miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Modesto gives, and it does hereby give notice of intention to approve an amendment to the contract between the City Council and the Board of Administration of the Public Employees' Retirement System, a copy of said

amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

RESOLUTION TO CONFIRM CONTRACT AND  
BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
AND THE

CITY COUNCIL  
OF THE  
CITY OF MOBILE

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as "Board", and the governing body of above public agency, hereinafter referred to as "Public Agency", having entered into a contract under date of July 27, 1946, effective May 1, 1946, and as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, May 1, 1974, June 24, 1975, and March 26, 1978, which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 10 are hereby stricken from said contract as executed effective March 26, 1978, and hereby replaced by the following paragraphs number 1 through 10 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for miscellaneous members and age 55 for local safety members.
  2. Public Agency shall participate in the Public Employees' Retirement System from and after May 1, 1946, making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except such as by express provisions thereof apply only on the election of contracting agencies.
  3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
    - a. Local Firemen (herein referred to as local safety members);
    - b. Local Policemen (herein referred to as local safety members);
    - c. Employees other than local safety members (herein referred to as miscellaneous members).

In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

POLICE COURT DEPARTMENT EMPLOYEES

PERSONS COMPENSATED ON AN HOURLY  
BASIS HIRED AFTER OCTOBER 1, 1962.

4. The fraction of final compensation to be provided for miscellaneous members for each year of credited prior and current service shall be that provided in Section 21251.13 subject to the reduction provided therein for service on and after November 1, 1959 through June 30, 1973, of members whose service has been included in Federal Social Security.
5. The fraction of final compensation to be provided for each year of credited prior and current service as a safety member shall be determined in accordance with Section 21252.1 of said Retirement Law (One-half pay at age 55).
6. The following additional provisions of the Public Employees' Retirement Law which apply only upon election of a contracting agency shall apply to the Public Agency and its employees:
  - a. Section 20952.5 (providing for age 50 as the minimum voluntary retirement age for local safety members, with benefit payments commencing prior to age 55 subject to actuarial discount).
  - b. Section 21222.1 (providing a five-percent increase in allowance to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of the amendment to add this section to this contract, to or on account of members retired or deceased on or prior to December 31, 1970).
  - c. Section 21222.2 (providing a five-percent increase in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of the amendment to add this section to this contract, to or on account of members retired or deceased on or after January 1, 1971 but before July 1, 1971).
  - d. Section 21222.6 (providing a fifteen-percent increase in allowances to which the annual cost-of-living provisions apply, payable for time commencing on the first day of the calendar month coinciding with or next following the effective date of the amendment to add this section to this contract, to or on account of certain miscellaneous members retired or deceased prior to July 1, 1971).
  - e. Sections 21380-21388 (providing for allowances for survivors of members covered under the 1959 Survivor's Program upon the member's death before retirement).
  - f. Section 20024.2 (defining "final compensation" on the basis of average compensation earnable during the year immediately preceding retirement or any other one year period elected by the member) for miscellaneous members.
  - g. Section 21298 (providing increased non-industrial disability retirement allowances of up to fifty-percent of final compensation to members retiring after the effective date of the amendment) for miscellaneous members.

- h. Section 21332.2 (providing an increased level of 1959 Survivor Benefits for members of Public Agency covered under the 1959 Survivor Program) pursuant to Section 21390, for miscellaneous members.
7. Public Agency, in accordance with Section 20740, Government Code, ceased to be an "employer" for purposes of Chapter 6 of the Public Employees' Retirement Law effective on March 23, 1978. Accumulated contributions of Public Agency as of the aforementioned date shall be fixed and determined as provided in Section 20759, Government Code, and accumulated contributions as of the aforementioned date and contributions thereafter made shall be held by the Board as provided in Section 20759, Government Code.
- b. Public Agency shall contribute to said Retirement System as follows:
    - a. With respect to miscellaneous members, the agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said Retirement System:
      - (1) 0.481 percent until June 30, 2000 on account of the liability for prior service benefits.
      - (2) 13.099 percent on account of the liability for current service benefits.
      - (3) 0.018 percent on account of the liability for the 1959 Survivor Program.
      - (4) 0.119 percent until June 30, 2000, on account of the liability for the benefits provided under Section 21222.1 and/or 21222.2 of said Retirement law.
    - b. With respect to local safety members, the agency shall contribute the following percentages of monthly salaries earned as local safety members of said Retirement System:
      - (1) 0.167 percent until June 30, 2000, on account of the liability for prior service benefits.
      - (2) 13.113 percent on account of the liability for current service benefits.
    - c. A reasonable amount per annum, as fixed by the Board to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodical investigation and valuations required by law.
    - d. A reasonable amount as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodical investigation and valuations required by law.

9. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodical investigation and valuation required by said Retirement Law.
10. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within thirty days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances, or adjustments on account of errors in contributions required of any employee may be made by direct cash payments between the employee and the Board. Payments by Public Agency to Board may be made in the form of warrants, bank checks, bank drafts, certified checks, money orders, or cash.

B. This amendment shall be attached to said contract and shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
OF THE  
CITY OF MODESTO

BY \_\_\_\_\_  
Carl J. Blechinger, Executive Officer

\_\_\_\_\_  
\_\_\_\_\_, Officer  
Attest:  
**CLERK ONLY**  
\_\_\_\_\_  
Clerk

Approved as to form:

\_\_\_\_\_  
Legal Office, PLMS

CERTIFICATION OF GOVERNING BODY'S ACTION

I hereby certify that the foregoing is a true and correct copy  
of a Resolution adopted by the \_\_\_\_\_,  
(Governing Body)  
of the \_\_\_\_\_,  
(Name of Public Agency)  
on \_\_\_\_\_, appearing at Page \_\_\_\_\_,  
(Date)  
Volume \_\_\_\_\_ of the (Minutes) (Official Records) of the  
\_\_\_\_\_  
(Governing Body)

\_\_\_\_\_  
CITY CLERK or  
Secretary of the Board

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-534**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON A COOPERATIVE AGREEMENT BETWEEN THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that June 12, 1978, at 8:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a cooperative agreement between the Housing Authority of the County of Stanislaus and the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-535**

**A RESOLUTION SETTING TIME AND PLACE FOR AN INFORMAL PUBLIC HEARING  
ON TRANSFER OF MODESTO CAB COMPANY TAXI CERTIFICATES**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that June 5, 1978, at 4:25 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of transfer of Modesto  
Cab Company taxi certificates to Ms. Penny Hudson.**

**The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 22nd day of  
May, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Lang, was upon roll call carried and the resolution  
adopted by the following vote:**

**AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Elliott**

**ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-536

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PACIFIC GAS AND ELECTRIC COMPANY FOR STANDBY NATURAL GAS SERVICE TO THOUSAND OAKS SEWAGE LIFT STATION AND AUTHORIZING CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Pacific Gas and Electric Company for standby natural gas service to Thousand Oaks Sewage Lift Station be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the City Manager 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 May, 19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-537

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 541 KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Southern Pacific Transportation Company for water service to property outside City limits at 541 Kansas Avenue, located on the north side of Kansas Avenue between Franklin Street and Barium 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 22nd day of May, 19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-538

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM T. DOIDGE AND R. FLORENCE DOIDGE FOR THE ACQUISITION OF THEIR 5.36<sup>+</sup> ACRE RESIDENTIALLY IMPROVED PROPERTY FOR DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. William T. Doidge for the acquisition of their 5.36<sup>+</sup> acre residentially improved property for Dry Creek Park is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd of May, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-539

A RESOLUTION APPROVING ISSUANCE OF A PURCHASE ORDER FOR IMPROVEMENT  
OF PRESCOTT ROAD AT MUNCY PARK

WHEREAS, State law allows informal bids for projects below  
\$5,000 but requires Council approval if the amount is over \$3,500;  
and

WHEREAS, informal bids were received for improvement of Prescott  
Road at Muncy Park; and

WHEREAS, the low bid of \$3,981, submitted by L. M. Roberts  
Construction Company is considered acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that issuance of a purchase order in the amount of \$3,981  
to L. M. Roberts Construction Company for improvement of Prescott  
Road at Muncy Park is hereby approved.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 22nd day of May,  
1978, by Councilmember Dunlap , 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-540

A RESOLUTION REAFFIRMING THE POLICY OF THE CITY OF MODESTO FOR WATER SERVICE IN THE MODESTO URBAN AREA AND DETERMING THAT THE PLANNING COMMISSION REQUIREMENT OF CITY WATER SERVICE FOR THE PROPOSED PINE TREE VILLAGE SUBDIVISION IS IN ACCORDANCE WITH SAID POLICY.

WHEREAS, the Council of the City of Modesto, by Resolutions No. 61-358, adopted August 7, 1961, and 69-110, adopted on February 3, 1969, has established a policy for water service in the Modesto urban area, and

WHEREAS, the Planning Commission of the City of Modesto, by Resolution No. 78-57, adopted on April 18, 1978, approved Planned Development Zoning (P-D 184) for the proposed Pine Tree Village Subdivision and, in accordance with said adopted City policy, imposed a condition that said subdivision be served with water service from the City of Modesto's Municipal Water System, and

WHEREAS, the Del Este Water Company requested this Council to reconsider said adopted City policy for water service in the Modesto urban area and to allow said Pine Tree Village Subdivision to be served by the Del Este Water Company, and

WHEREAS, said matter was considered by the Council at its meeting on May 22, 1978.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The City of Modesto's policy for water service in the Modesto urban area, as set forth in City Council Resolutions No. 61-358, adopted on August 7, 1961 and 69-110, adopted on February 3, 1969, is hereby reaffirmed.

2. The action of the Planning Commission requiring water service from the City of Modesto's Municipal Water System as a condition of approval of the proposed Planned Development Zoning (P-D 184) for Pine Tree Village Subdivision is hereby determined to be in accordance with said adopted City policy for water service in the Modesto urban area.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED ASTO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 78-541

A RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO CONSIDER RATE INCREASES FOR PROVIDING CABLE TELEVISION SERVICE BY CABLECOM-GENERAL OF MODESTO; AND SETTING THE TIME AND PLACE FOR A HEARING THEREON.

WHEREAS, by Ordinance No. 934-C.S. the City Council has granted to Cablecom-General of Modesto, hereinafter referred to as "Grantee", a nonexclusive franchise to construct, operate and maintain a CATV system within the City, and

WHEREAS, Section 4 of Ordinance No. 934-C.S., as amended by Ordinance No. 1337-C.S., sets forth a schedule of rates and charges for CATV service to be charged by Grantee to its subscribers and also provides that said schedule of rates and charges may be changed with the prior approval of the City Council expressed by resolution, and

WHEREAS, by Resolution No. 77-242, adopted on February 28, 1977, the Council approved commercial and residential rates for a primary television outlet of \$5.25 per month and the rate for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments of \$2.20 per dwelling unit per month effective March 1, 1977, and

WHEREAS, by Resolution No. 77-242, adopted on February 28, 1977, the Council further increased the rates for providing cable television service by Cablecom-General of Modesto in the City of Modesto for the months of March 1977 through December 1977 from \$5.25 to \$5.75 per month for a primary commercial and residential television outlet, and from \$2.20 to \$2.70 per dwelling unit per

month for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments, and

WHEREAS, by Resolution No. 77-1313, adopted on December 19, 1977, the Council continued said increased rates of \$5.75 per month for a primary commercial and residential television outlet and \$2.70 per dwelling unit per month for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments for the months of January, February, March, April, May and June 1978, and

WHEREAS, the Council desires to consider making said commercial and residential rates for a primary television outlet of \$5.75 per month and the rate for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments of \$2.70 per dwelling unit per month permanent rates, and

WHEREAS, the Council further desires to consider an additional rate increase for providing cable television service by Cablecom-General of Modesto in the City of Modesto from \$5.75 to \$5.95 per month for a primary commercial and residential television outlet, and from \$2.70 to \$2.90 per month for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Council hereby declares its intention to consider increased rates for providing cable television service in the City of Modesto.

2. That Monday, June 19, 1978, at 4:30 o'clock p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby set as the time and place when all persons may appear before the City Council and be heard

on said increased rates.

3. That the City Clerk is hereby directed to publish a notice of said hearing in the Modesto Bee, the official newspaper of the City of Modesto once within ten (10) days after passage of this resolution.

4. That the proposed increases in rates for cable television service to be considered at said hearing are as follows:

(a) The commercial and residential rate for a primary television outlet be increased to \$5.95 per month, effective July 1, 1978.

(b) The rate for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments be increased to \$2.90 per dwelling unit per month, effective July 1, 1978.

5. That further information regarding said increased rates may be obtained from the office of the City Clerk, City Hall, 801 11th Street, Modesto, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried

and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-542

A RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO CONSIDER AMENDMENTS TO CHAPTER 4 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO COMMUNITY ANTENNA TELEVISION FRANCHISES AND SETTING A HEARING THEREON.

WHEREAS, Chapter 4 of Title XI of the Modesto Municipal Code sets forth the procedures for granting Community Antenna Television Franchises, and

WHEREAS, the Council desires to consider amendments to the provisions contained in said Chapter 4 of Title XI of the Modesto Municipal Code relating to Community Antenna Television Franchises, and

WHEREAS, the Council desires to set a time and place for a hearing on said amendments to Chapter 4 of Title XI of the Modesto Municipal Code referred to above,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Council hereby declares its intention to consider amendments to Chapter 4 of Title XI of the Modesto Municipal Code entitled "Community Antenna Television Franchises."
2. That Monday, June 19, 1978, at 4:30 o'clock p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California is hereby set as the time and place when all persons may appear before the City Council and be heard on said amendments to Chapter 4 of Title XI of the Modesto Municipal Code.
3. That the City Clerk is hereby directed to publish a notice of said hearing in the Modesto Bee, the official newspaper of the City of Modesto once within ten (10) days after passage of this resolution.

4. That the City Clerk is hereby directed to send a notice to Cablecom-General of Modesto, the holder of a non-exclusive franchise for providing cable television service in the City of Modesto, of the time and place of said hearing.

5. That further information regarding said amendments to Chapter 4 of Title XI of the Modesto Municipal Code entitled "Community Antenna Television Franchises" may be obtained from the office of the City Clerk, City Hall, 801 11th Street, Modesto, California

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-543

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ALTA CALIFORNIA SERVICES, INC. (ACSI) FOR THE PERFORMANCE OF TESTING AND EVALUATION OF CABLECOM GENERAL OF MODESTO'S SYSTEM TO DETERMINE ITS COMPLIANCE WITH THE PROPOSED NEW FRANCHISE DOCUMENTS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Alta California Services, Inc. (ACSI) for the performance of testing and evaluation of CableCom General of Modesto's system to determine its compliance with the proposed new franchise documents be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated 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 May, 19 78, by Councilmember Dunlap, 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: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Elliott

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 544

A RESOLUTION ESTABLISHING FEES TO BE PAID TO  
CONDUCT BINGO GAMES IN THE CITY OF MODESTO.

WHEREAS, Sections 4-1.1004 and 4-1.1008 of the Modesto Municipal Code provides that annual permit fees, fees for change of address of eligible organizations, and renewal of permit fees for the conduct of bingo games in the City of Modesto shall be in accordance with fees approved by the City Council from time to time by resolutions and on file in the offices of the City Clerk and the Chief of Police,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following fees are hereby adopted for an annual permit to conduct bingo games in the City of Modesto, for a permit for a change of address of an eligible organization, and for the renewal of an annual permit to conduct bingo games:

Initial annual permit	\$50.00
Renewal of annual permit with change of address and/or officers	\$50.00
Renewal of annual permit with same address and same officers	\$25.00
New permit for change of address	\$25.00

BE IT FURTHER RESOLVED that said fees shall be paid to the Director of Finance at the time of filing an application for an annual permit to conduct bingo games, for a permit for a change of address of an eligible organization, and for renewal of an annual permit to conduct bingo games.

BE IT FURTHER RESOLVED that such fees are for the purpose of defraying the cost of investigation and inspection and shall not be refundable even through a permit is denied,

BE IT FURTHER RESOLVED that this resolution shall become effective on and after June 7, 1978.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-545

A RESOLUTION ACCEPTING THE INSTALLATION OF IRRIGATION AND LANDSCAPING  
FOR BRIGGSMORE PHASE II

WHEREAS, a report has been filed by the Director of Public Works that the installation of irrigation and landscaping for Briggsmore Phase II has been completed by Grover Landscaping

in accordance with the contract agreement dated November 14, 1977.

NOW, THEREFORE, BE IT RESOLVED that the installation of irrigation and landscaping for Briggsmore Phase II be accepted from said contractor, Grover Landscaping;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$32,900.00 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 22nd day of May, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-546

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF LARRY BAILEY AS A MEMBER OF THE HUMAN RIGHTS COMMISSION, EFFECTIVE MAY 22, 1978

WHEREAS, Larry Bailey was appointed as a member of the Human Rights Commission on January 12, 1976; and

WHEREAS, Larry Bailey has tendered his resignation as a member of the Human Rights Commission, effective May 22, 1978; and

WHEREAS, Larry Bailey has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Larry Bailey as a member of the Human Rights Commission is hereby accepted with regret;

BE IT FURTHER RESOLVED that the Council, on its own behalf, and on behalf of the Citizens of Modesto, hereby expresses its sincere appreciation to Larry Bailey 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 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-547**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING AN APPEAL BY MIDVALLEY TO A PLANNING COMMISSION DECISION REGARDING REZONING TO H-1 AND R-3 PROPERTY LOCATED AT RUMBLE AND SISK ROADS**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto that June 26, 1978, at 7:35 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by MidValley to a Planning Commission decision regarding rezoning to H-1 and R-3 property located at Rumble and Sisk Roads.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

**AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

**ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-548

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PROJECT NO. 8, REPLACEMENT OF CURBS AND DRIVE APPROACHES AT VARIOUS LOCATIONS**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for Project No. 8, replacement of curbs and drive approaches at various locations copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 20, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-549

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING AUTOMOTIVE PARTS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing automotive parts copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 20, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-550

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR CONSTRUCTION OF SONOMA PARK STAGE 1

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of Sonoma Park Stage 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 June 27, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-551

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN LAUREL MEADOWS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of waterlines in Laurel Meadows

copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 20, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** Marrisa Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-552

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF DRAPERIES AT THE MODESTO CITY HALL**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for installation of draperies at the Modesto City Hall copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 20, 1978 at 11:10 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-553**

**A RESOLUTION ACCEPTING THE BID OF MAC'S BACKHOE SERVICE FOR CONSTRUCTION OF WATERLINES IN NORTH HAMPTON PARK NO. 4 AND WALNUT PARK**

**WHEREAS, Resolution No. 78-492 , adopted by the Council of the City of Modesto on May 15, 1978 , approved the plans and specifications for the construction of waterlines in North Hampton Park No. 4 and Walnut Park**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterlines in North Hampton Park No. 4 and Walnut Park were opened at 11:00 a.m. on May 30, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Mac's Backhoe Service in the amount of \$45,427.14**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mac's Backhoe Service in the amount of \$45,427.14**

**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 5th day of June,**

19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-554**

**A RESOLUTION ACCEPTING THE BID OF REED EQUIPMENT COMPANY FOR FURNISHING ONE TRACTOR-LOADER-BACKHOE COMBINATION**

**WHEREAS, Resolution No. 78-413 , adopted by the Council of the City of Modesto on April 24, 1978 , approved the plans and specifications for the furnishing of one tractor-loader-backhoe combination and authorized the calling for bids, and**

**WHEREAS, the bids received for the tractor-loader-backhoe combination were opened at 2:00 p.m. on May 23, 1978, 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 Reed Equipment Company in the amount of \$19,938.60 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Reed Equipment Company in the amount of \$19,938.60 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 5th day of June,**

19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-555

A RESOLUTION ACCEPTING THE PAVING OF THE SOUTHWEST PORTION OF THE CITY OF MODESTO SERVICE YARD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the paving of the southwest portion of the City of Modesto Service Yard has been completed by Flintkote Company

in accordance with the contract agreement dated March 13, 1978.

NOW, THEREFORE, BE IT RESOLVED that the paving of the southwest portion of the City of Modesto Service Yard be accepted from said contractor, Flintkote Company;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$17,197.56 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 June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-556

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SEWER EXTENSION EAST OF  
POUST AVENUE IN PROPOSED CHAPPARAL PLACE

WHEREAS, a report has been filed by the Director of Public Works that the construction of the sewer extension east of Poust Avenue in proposed Chapparal Place has been completed by ABC Underground

in accordance with the contract agreement dated October 24, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of the sewer extension east of Poust Avenue in proposed Chapparal Place be accepted from said contractor, ABC Underground;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$20,166.40 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-557

**A RESOLUTION ACCEPTING THE RESURFACING OF THE GRACEADA PARK TENNIS  
COURTS AS COMPLETE**

WHEREAS, a report has been filed by the Director of Public  
Works that the resurfacing of the Graceada Park Tennis  
Courts

has been completed by George Reed, Inc.

in accordance with the contract agreement dated September 29, 1977.

NOW, THEREFORE, BE IT RESOLVED that the resurfacing of the  
Graceada Park Tennis Courts

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 \$14,985.00  
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 5th day of  
June, 1978, by Councilmember Siefkin, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensingher, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-558

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE SCENIC-SONOMA-ORANGEBURG DRAINAGE SYSTEM: McGUIRE DRIVE, ORANGEBURG AVENUE, SCENIC DRIVE AS COMPLETE**

WHEREAS, a report has been filed by the Director of Public Works that the construction of the Scenic-Sonoma-Orangeburg drainage system has been completed by E.P. Construction, Inc. (Pestana's)

in accordance with the contract agreement dated November 14, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of the Scenic-Sonoma-Orangeburg drainage system be accepted from said contractor, E.P. Construction, Inc. (Pestana's); that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$106,165.00 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 5th day of June, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-559

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SUBTRUNK SEWER IN McHENRY AVENUE FROM UNION AVENUE TO CORALWOOD ROAD

WHEREAS, a report has been filed by the Director of Public Works that the construction of subtrunk sewer in McHenry Avenue from Union Avenue to Coralwood Road has been completed by ABC Underground

in accordance with the contract agreement dated September 29, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of subtrunk sewer in McHenry Avenue from Union Avenue to Coralwood Road be accepted from said contractor, ABC Underground

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$43,537.50 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 June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-560

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (186)\_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
16-3-9 of the Zoning Map was filed by Rodney R. Johnson  
on March 15, 1978, to  
reclassify from Low Density Residential Zone, R-1,  
to Planned-Development Zone, P-D, the following described property:

ALL of Lot 15 of Coffee Colony, as per Map filed January 13, 1906,  
in Volume 2 of Maps, Page 22, Stanislaus County Records.

EXCEPTING therefrom all that portion thereof described as follows:

BEGINNING at the Southwest corner of said Lot 15 and running  
thence North 0°42' West along the West line of said Lot 15, a distance  
of 16.32 feet to the Southwest corner of Village Manor Unit No. 1,  
as per Map filed March 14, 1961, in Volume 19 of Maps, Page 60,  
Stanislaus County Records; thence following the South boundary of  
said Village Manor Unit No. 1, the following two courses and  
distances, to wit: South 87°39'24" East 167.08 feet and South  
80°23'19" East 69.05 feet to a point on the Southline of Lot 15 above  
referred to; thence along said South lot line North 89°30' West a  
distance of 234.83 feet to the point of beginning.

ALSO EXCEPTING THEREFROM all that portion thereof included  
within the subdivision known as Village Manor Unit No. 1 as per  
Map filed March 14, 1961, in Volume 19 of Maps, Page 60,  
Stanislaus County Records.

ALSO EXCEPTING THEREFROM all that portion thereof included  
within the Subdivision known as Village Manor Unit No. 2, as  
per Map filed January 3, 1962, in Volume 19 of Maps, Page 94,  
Stanislaus County Records.

WHEREAS, after public hearing held on April 17, 1978, and continued to May 2, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. That approval of the P-D Zone and plot plan as submitted to include 20 dwelling units is required by public necessity, convenience, and general welfare for the following reasons:
  - a. Twenty dwelling units represent only a slight increase above R-2 density zoning.
  - b. The Planned Development provides for adequate open space and parking for the project.
  - c. The project utilizes a bypassed parcel and provides infilling within the current sewer service area in accordance with City policy.

WHEREAS, after a public hearing held on June 5, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Rodney R. Johnson for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1731 -C.S. on the 5th day of June, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (186).

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 (186), is hereby approved in accordance with the plan title "20 Unit Apartment Complex, Modesto, California, Grant Construction Company", as amended in red on its face, stamped approved by the Planning Commission on May 2, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plan.
2. That prior to the issuance of a building permit for any development a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with the approved landscaping and irrigation plan. Irrigation shall be by underground sprinkler system.
3. That all landscaping, fences, and walls shall be maintained and that the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto's sewer and water facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Section 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. That all drainage facilities shall be provided in accordance with the requirements of the Director of Public Works. The developer shall contain all surface drainage water on the site as required by the Director of Public Works.
6. That all trash shall be maintained in enclosed trash areas in locations approved by the Director of Planning and Community Development. Said trash enclosures shall be constructed 6 feet high of the same building materials used in the main building as indicated on the plan or of solid decorative masonry except that said enclosures shall have solid doors to be kept closed at all times.

7. That any security lighting shall be shielded from adjoining residential areas as specified by the City Engineer.
8. That the applicant shall construct a solid 6-foot high fence with decorative masonry pilasters 16 feet on centers along the entire southerly, westerly, and easterly property lines as indicated in red on the plan.
9. That prior to the issuance of a building permit or upon demand by the City, whichever occurs first, the applicant shall dedicate 10 feet of right-of-way for the Floyd Avenue frontage.
10. That prior to the issuance of a certificate of occupancy the developer shall construct the Floyd Avenue frontage to current City collector street standards.
11. That prior to the issuance of a building permit the developer shall dedicate all public utility easements as required by the utility companies serving the development and in accordance with the requirements of the Director of Public Works.
12. That the developer shall provide access doors through the carports for fire suppression purposes in accordance with the specifications of the Fire Chief.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (186) \_\_\_\_\_ :

That the construction project be accomplished in one phase. Construction shall commence on or before August 1, 1980, and be completed not later than August 1, 1982.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 ( 186 ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William J. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-561

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 16-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RODNEY R. JOHNSON)

WHEREAS, on June 5, 1978, the City Council introduced Ordinance No. 1731 giving approval to a project relating to an amendment to Section Map 16-3-9 of the Zoning Map of the City of Modesto, to reclassify certain property to Planned Development Zone, PD(186), and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 16-3-9 of the Zoning Map of the City of Modesto, to reclassify certain property to Planned Development Zone, PD(186)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES· Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES· Councilmembers· None

ABSENT· Councilmembers: None

ATTEST· *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM·

By *Elwyn L. Johnson*  
ELWYN L JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-562

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 2-3-8 OF THE  
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (GRANT  
CONSTRUCTION COMPANY)

WHEREAS, on June 5, 1978, the City Council  
adopted Ordinance 1732-C.S. giving approval to a project  
relating to an amendment to Section Map 2-3-8 of the Zoning Map of the City  
of Modesto reclassifying certain property located thereon from Low Density  
Residential Zone, R-1, to Medium Density Residential Zone, R-2  
, and

WHEREAS, the City Council certifies that at said Council meeting  
it reviewed and considered the findings of the City of Modesto Environ-  
mental Assessment Committee which resulted in a negative declaration,  
in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the Director of Planning and Community Development of the  
City of Modesto is hereby directed to file or cause to be filed with the  
Stanislaus County Clerk a Notice of Determination in regard to the  
environmental impact of the subject project relating to an amendment  
to Section Map 2-3-8 of the Zoning Map of the City of Modesto reclassifying  
certain property located thereon from Low Density Residential Zone, R-1, to  
Medium Density Residential Zone, R-2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 19 78, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

- AYES· Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
- NOES· Councilmembers· None
- ABSENT. Councilmembers: None

ATTEST· *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM·

By *Elwyn L. Johnson*  
ELWYN L JOHNSON, City Attorney



WHEREAS, after public hearing held on April 18, 1978, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed R-2 Zone residential density is appropriate for the site due to its location on what will be a heavily traveled collector street.
2. The P-D Zone plot plan guarantees that there will be a minimum number of driveways on Floyd Avenue and that garages of the project will be situated to allow cars exiting from the project to Floyd Avenue to do so without backing onto the street.

WHEREAS, after a public hearing held on June 5, 1978, the Council found and determined that the application of Irwin Steinpress for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1733 -C.S. on the 5th day of June, 1978, rezoning the above-described property to Planned Development Zone, P-PD(185).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEVELOPMENT PLAN. The development plan for Rezoned Planned Development Zone, P-PD( 185 ), is hereby approved in accordance with the plan titled "Site Plans Hillsboro North" as amended in red, stamped approved by the Planning Commission on April 18, 1978,

which plan is on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development be in accordance with the plan referred to above.
2. That prior to the issuance of a building permit for any structure, a subdivision map shall be recorded in accordance with Chapter 4 of Title 4 of the Modesto Municipal Code.
3. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801 10-2.1804, and 10-2.1808 of the Municipal Code. The drainage facilities for the parking areas shall be approved by the Director of Public Works.
4. That all landscaping, fences, and walls shall be maintained and that the premises be kept free of weeds, trash, and other debris.
5. That all development shall be connected to the City water and sanitary facilities in accordance with the requirements of the Director of Public Works.
6. That all signs within the P-D Zone shall comply with the R-2 Zone sign provisions.
7. That prior to the issuance of a building permit, reciprocal easements for joint use of driveways shall be prepared and recorded in a manner approved by the City Attorney.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Prezoned Planned Development Zone, P-PD( 185 ):

That the entire construction program be accomplished in one phase, construction to begin within one year of the effective date of annexation and completion to be within three years of the effective date of annexation.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance and in strict adherence to the provisions of Article 27 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 rezoning the above-described property to Planned Development Zone, P-PD( 185 ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

APPROVED AS TO DESCRIPTION:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

By William J. Smith  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-564

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (IRWIN STEINPRESS)

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WHEREAS, on June 5, 1978, the City Council adopted Ordinance No. 1733 C. S. giving approval to a project relating to an amendment to Section Map 15-3-9 of the Zoning Map to prezone certain property to Planned Development Zone, P-PD (185)

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\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 15-3-9 of the Zoning Map to prezone certain property to Planned Development Zone, P-PD (185)

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 565

A RESOLUTION AUTHORIZING THE TRANSFER OF SEVEN CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS FROM CHARLES V. SALES TO MS. PENNY HUDSON.

WHEREAS, requests were filed with the Council of the City of Modesto by Charles V. Sales and Ms. Penny Hudson to transfer seven (7) certificates of public convenience and necessity to operate taxicabs in the City of Modesto from Charles V. Sales, doing business as "Modesto Cab" to Ms. Penny Hudson, to do business as "Modesto Cab", and

WHEREAS, said application was investigated by the Director of Parking and Traffic who has reported his findings in connection therewith, and

WHEREAS, the Director of Parking and Traffic has recommended that the transfer of the seven (7) taxicab certificates of public convenience and necessity to operate taxicabs be approved as applied for,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Transfer of seven (7) certificates of public convenience and necessity to operate taxicabs in the City of Modesto from Charles V. Sales, doing business as "Modesto Cab", to Ms. Penny Hudson, to do business as "Modesto Cab", is hereby authorized in accordance with Section 4-6.209 of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978,

by Councilmember Siefkin, who moved its adoption, which motion being  
duly seconded by Councilmember Mensing, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-566

A RESOLUTION APPROVING ASSIGNMENT OF MODESTO CAB COMPANY'S AIRPORT CONCESSION AGREEMENT FOR TAXICAB SERVICE AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

WHEREAS, the City of Modesto has by an agreement dated October 1, 1976, with Charles V. Sales, doing business as Modesto Cab Company, granted the right to operate a taxicab service at the Modesto City-County Airport/Harry Sham Field subject to the conditions recited in said agreement; and

WHEREAS, said agreement provides that Charles V. Sales, doing business as Modesto Cab Company, may not assign said agreement without the written consent of City; and

WHEREAS, Charles V. Sales, doing business as Modesto Cab Company, has requested City's consent to the assignment of said agreement to Ms. Penny Hudson; and

WHEREAS, the Council of the City of Modesto by Resolution No. 78-565, adopted June 5, 1978, authorized the transfer of seven certificates of public convenience and necessity to operate taxicabs from Charles V. Sales to Ms. Penny Hudson.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the assignment of said agreement to Ms. Penny Hudson, effective June 5, 1978, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Mensinger, who moved its adoption, which

motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-567

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS BEEN MADE AGAINST THE ANNEXATION OF CERTAIN INHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS SHERWOOD FOREST NO. 2 ANNEXATION AND TERMINATING ANNEXATION PROCEEDINGS.

WHEREAS, by Resolution No. 78-392, adopted on April 17, 1978, the Council initiated proceedings to annex to the City of Modesto certain inhabited territory known as Sherwood Forest No. 2 Annexation to the City of Modesto, and

WHEREAS, by said Resolution No. 78-392, the Council fixed the 22nd day of May, 1978, at the hour of 7:40 o'clock P.M., in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto as the time and place for hearing protests against said annexation, and

WHEREAS, the City Clerk has caused a copy of said Resolution No. 78-392 to be published in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and in the Riverbank News, a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus, said publications being completed at least twenty (20) days prior to the date set for the hearing, as required by Sections 35307 and 35311 of the Government Code, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, written protests have been filed and not withdrawn by fifty (50%) percent or more of the registered voters within said territory,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that a majority protest against the proposed annexation of said Sherwood Forest No. 2 Annexation to the City of Modesto has been made and hereby : terminates said annexation proceedings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-568

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
THE STATE OF CALIFORNIA FOR RAILROAD CROSSING GATES ON LEVELAND  
AND ORANGEBURG AT TIDEWATER SOUTHERN CROSSINGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and the State of  
California  
for railroad crossing gates on Leveland and Orangeburg at  
Tidewater Southern Crossings  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
June, 19 78, by Councilmember Siefkin,  
who moved its adoption, which motion being duly seconded by Council-  
member Mensinger, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-569

A RESOLUTION AMENDING PARAGRAPH (c) OF SECTION 13.5 OF THE PERSONNEL RULES AND ADDING PARAGRAPH (d) THERETO RELATING TO SICK LEAVE.

WHEREAS, Section 1202 of Article XII of the Charter of the City of Modesto provides that the Personnel System provided by said Article shall be implemented by such rules and regulations governing the administration thereof as are adopted by the City Council upon recommendation of the City Manager, and

WHEREAS, the City Manager has recommended an amendment to paragraph (c) of Personnel Rule 13.5 and adding paragraph (d) thereto relating to sick leave, and

WHEREAS, the City Council has reviewed an amendment to paragraph (c) of Section 13.5 and the addition of paragraph (d) to Section 13.5 of the Personnel Rules as recommended by the City Manager and finds that said proposed amendment to paragraph (c) of Section 13.5 and the addition of paragraph (d) to Section 13.5 promotes the purposes and objectives of the Personnel System,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. That paragraph (c) of Section 13.5 of the Personnel Rules be amended and that paragraph (d) be added to Section 13.5 of the Personnel Rules to read as follows:

13.5 Sick Leave

(c) Employees terminating their City employment or being terminated shall forfeit all unused sick leave benefits as of the termination date, except that:

(1) All employees in the classifications of Fire Fighter, Fire Engineer, Fire Lieutenant, Police Officer and Detective, who retire on or after July 1, 1976, through the Public Employees Retirement System after a minimum of five (5) years continuous employment with the City of Modesto, shall be paid for twenty per cent (20%) of unused sick leave benefit at the time of retirement.

(2) All other employees who retire on or after July 1, 1978, through the Public Employees Retirement System, or terminate employment in good standing with the City of Modesto after five (5) years of continuous employment, shall be paid for twenty-five per cent (25%) of unused sick leave benefit at the time of retirement.

(d) Former employees re-employed by the City shall receive no credit for prior service in determination of sick leave or vacation benefits.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-570

A RESOLUTION APPROVING THE RECOMMENDATION OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE TO AMEND THE FOURTH YEAR (1978-79) COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO SUPPLANT NEIGHBORHOOD IMPROVEMENT DISTRICT #3

WHEREAS, on March 27, 1978, the Council of the City of Modesto adopted Resolution No. 78-309, which authorized the filing of an application with the U. S. Department of Housing and Urban Development for the Fourth Year (1978-79) Block Grant for Housing and Community Development; and

WHEREAS, the Fourth Year Community Development Block Grant application calls for Highway Village to become the next target area for the Housing Maintenance Program (Neighborhood Improvement Area #3); and

WHEREAS, the U. S. Department of Housing and Urban Development has advised that the Highway Village area is unacceptable as a target area; and

WHEREAS, it is the recommendation of the Citizens Housing and Community Development Committee that an area contiguous to Neighborhood Improvement Area #1 be designated as Neighborhood Improvement Area #3.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby authorizes the amendment of the Fourth Year (1978-78) Community Development Block Grant application to supplant Neighborhood Improvement Area #3 as recommended by the Citizens Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of

the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyte*  
NORRINE COYTE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-571

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
CROCKER BANK

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Crocker Bank  
for leverage loan arrangement under the Housing Maintenance  
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 5th day of  
June, 1978, by Councilmember Siefkin,  
who moved its adoption, which motion being duly seconded by Council-  
member Mensinger, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-572

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CALIFORNIA DENTAL SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and California Dental Service

for renewal of dental health insurance contract

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-573

A RESOLUTION AMENDING THE 1978-79 OPERATING BUDGET  
TO APPROPRIATE AN AMOUNT FOR THE JUNIOR GOLF  
PROGRAM.

WHEREAS, a balance of \$2,231.25 is held in the City Trust Fund  
(Fund No. 601) resulting from net proceeds of Celebrity Golf Tournaments, and a  
donation from Frank Maroney, and

WHEREAS, said amount is to be used for an instructional golf program  
for youth, and to promote a George Maroney Junior Golf Tournament, as approved  
by motion of the City Council October 1, 1973, and

WHEREAS, expenses for the youth golf program will amount to a total  
of \$375.00 for the fiscal year 1978-79.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that an amount of \$375.00 be transferred from the City Trust Fund (Fund  
No. 601) to the General Fund (Fund No. 101) Donations Account (Revenue Account  
No. 905).

BE IT FURTHER RESOLVED that said amount be appropriated in  
the General Fund (Fund No. 101), Recreation Division of the Parks and Recreation  
Department (Division No. 32) in the Junior Golf Program Account (Account No. 459).

BE IT FURTHER RESOLVED that the Director of Finance is hereby  
authorized to take the necessary steps to implement the provisions of this  
resolution.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 5th day of June, 1978,  
by Councilmember Siefkin who moved its adoption, which motion

being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-574

A RESOLUTION APPROVING THE FINAL MAP OF THE  
VINTAGE FAIRE NO. 3  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Vintage Faire Development, Inc., a corporation

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is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 16.118 acres, known as the  
Vintage Faire No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 21st day of  
September, 1978, 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 Vintage Faire No. 3  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Council-

member Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-575

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FLOYD D. JONES AND ANNIE EVELYN JONES FOR THE PURCHASE OF THEIR REAL PROPERTY LOCATED AT 521 SUNSET AVENUE FOR USE AS AN ADDITION TO DEL WEBB SOCCER FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Floyd D. Jones and Annie Evelyn Jones for the purchase of their real property located at 521 Sunset Avenue for use as an addition to Del Webb Soccer Field is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder 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 June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-576

A RESOLUTION APPROVING THE FINAL MAP OF THE  
RE-SUBDIVISION OF BLOCKS 6190 AND 6191 OF  
CAMPOS VERDES SUBDIVISION OF THE CITY OF  
MODESTO.

WHEREAS, Contek Associates, a limited partnership, is possessed  
of a tract of land situate in the City of Modesto, County of Stanislaus, consisting  
of 7.377 acres, known as the Re-subdivision of Blocks 6190 and 6191 of Campos  
Verdes Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
City Planning Commission on the 16th day of August, 1977, and

WHEREAS, the final map of said tract has been approved by the  
Secretary of the City Planning Commission, and

WHEREAS, the City Engineer of the City of Modesto has certified  
that the final map of said Re-subdivision of Blocks 6190 and 6191 of Campos  
Verdes Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to subdivisions,  
and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City  
of Modesto that said final map be approved; that the streets, alleys and easements  
as shown thereon within the boundaries of said tract be accepted on behalf of the  
public for public use; and that the City Clerk be authorized to certify the map  
of said tract on behalf of the City of Modesto after the fees and deposits required  
by the Modesto Municipal Code in amounts determined by the City Engineer have  
been paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-577

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. AND MRS. HARVEY D. JORDAN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 304 CRATER AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. Harvey Driscoll Jordan for sewer service to property outside City limits at 304 Crater Avenue, located on the south side of Crater Avenue between Crystal Avenue and Cascade Avenue, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-578

A RESOLUTION AUTHORIZING BILLINGTON WELDING TO RELINE CITY OF MODESTO  
VACTOR TRUCK HOLDING TANK FOR THE TOTAL PRICE OF \$4,759.40

BE IT HEREBY RESOLVED by the Council of the City of Modesto that  
Billington Welding is hereby authorized to reline the holding tank of  
the City of Modesto vactor truck for the total price of \$4,759.40.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 5th day of June,  
1978, by Councilmember Siefkin, who moved its adoption, which motion  
being duly seconded by Councilmember Mensinger, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-579

A RESOLUTION DELINEATING THE AUTHORITY OF THE REHABILITATION LOAN POOL SUBCOMMITTEE TO CONSIDER AND APPROVE LOANS AND GRANTS UNDER THE CITY OF MODESTO'S HOUSING MAINTENANCE PROGRAM.

WHEREAS, a Community Development Block Grant has been received from the United States Department of Housing and Urban Development to provide loans and grants for rehabilitation work under the City of Modesto's Housing Program, and

WHEREAS, by Resolution No. 76-566, adopted on April 19, 1976, the City Council designated the Rehabilitation Loan Pool Subcommittee of the Citizens Housing and Community Development Committee as the city agency to consider and approve direct loans and grants under the City's Housing Maintenance Program, and

WHEREAS, by Resolution No. 77-1285, adopted on December 12, 1977, the City Council set forth guidelines to be utilized by the Rehabilitation Loan Pool Subcommittee in making such loans and grants, and

WHEREAS, the Rehabilitation Loan Pool Subcommittee and the Citizens Housing and Community Development Committee have requested further clarification of the authority of the Rehabilitation Loan Pool Subcommittee to make such loans and grants under particular circumstances, and

WHEREAS, the City Council now desires to provide such clarification,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Rehabilitation Loan Pool Subcommittee is authorized to administer the Relocation Program as established from time to time by the Housing Maintenance and Counseling Subcommittee of the Citizens Housing and Community Development Committee for persons whose homes are being rehabilitated, including the leasing of dwelling units for the purpose of temporarily relocating families whose homes are being rehabilitated.

BE IT FURTHER RESOLVED, that the Rehabilitation Loan Pool Subcommittee is authorized, within the guidelines for loans and grants previously established by the

City Council, to determine what kinds of items required for housing rehabilitation should be eligible for such loans and grants, including the authority to make direct loans and grants for the purpose of relocating dwelling units into the Target Areas of the Housing Maintenance Program.

BE IT FURTHER RESOLVED, that the Rehabilitation Loan Pool Subcommittee is authorized, within the guidelines for loans and grants previously established by the City Council, to make direct loans and grants to persons within the Housing Maintenance Program Target Areas who have been required by the City to install curbs, gutters and sidewalks, or other similar public improvements, including reimbursement by way of direct loans or grants to those persons who have previously installed such improvements when required by the City. Provided, however, that such reimbursement shall not exceed the lesser of the actual cost of installation or the amount it would have cost the City to install the public improvement.

BE IT FURTHER RESOLVED, that the Rehabilitation Loan Pool Subcommittee is authorized, upon the default by any person holding a loan under the Housing Maintenance Program to take such action, in consultation with the Office of the City Attorney, as will protect the City's security interest, including the filing of a "Notice of Default." Provided, however, that no foreclosure of such loans shall actually occur without the prior approval of the Citizens Housing and Community Development Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being

duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-580

A RESOLUTION DESIGNATING THE REHABILITATION LOAN POOL SUBCOMMITTEE OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE AS THE CITY AGENCY TO CONSIDER AND APPROVE DIRECT LOANS AND GRANTS UNDER THE CITY OF MODESTO HANDICAP BARRIER REMOVAL PROGRAM.

WHEREAS, a Community Development Block Grant has been received from the United States Department of Housing and Urban Development to provide loans and grants for the removal of handicap barriers in homes and public places, and

WHEREAS, it is necessary to designate a city agency to consider and approve direct loans and grants under the City's Handicap Barrier Removal Program, and

WHEREAS, the Handicap Barrier Removal Program is to be operated in conjunction with the City's Housing Maintenance Program, and

WHEREAS, by Resolution No. 76-566, adopted on April 19, 1976, the Rehabilitation Loan Pool Subcommittee of the Citizens Housing and Community Development Committee was designated by the City Council as the city agency to consider loans and grants under the City's Housing Maintenance Program, and

WHEREAS, the City Council now desires to designate said Rehabilitation Loan Pool Subcommittee as the city agency to consider and approve direct grants and loans under the City's Handicap Barrier Removal Program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Rehabilitation Loan Pool Subcommittee of the Citizens Housing and Community Development Committee is authorized, within the fiscal, substantive, and procedural guidelines for loans and grants established in Resolutions Nos. 77-1285 and 78-579, adopted by the City Council on December 12, 1977 and June 5, 1978, 1978, respectively, to consider and make direct loans and grants, and take other action as authorized by the above guidelines, for the purpose of handicap barrier removal in private dwelling units.

BE IT FURTHER RESOLVED, that the Rehabilitation Loan Pool Subcommittee of

the Citizens Housing and Community Development Committee is authorized to consider and make direct loans and grants to nonprofit organizations for the purpose of handicap barrier removal. Provided, however, that the total amount of loans and grants in any one year given to nonprofit organizations or to be used for improvements in the public right of way intended to benefit specific nonprofit organizations, shall not exceed \$5,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-581

A RESOLUTION ANNEXING CERTAIN UNINHABITED  
TERRITORY DESCRIBED HEREIN AND DESIGNATED  
AS LAUREL AVENUE

ANNEXATION TO  
THE CITY OF MODESTO, WITHOUT NOTICE OR  
HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by the owners of land or registered voters residing within territory in the County of Stanislaus requesting annexation of the Laurel Avenue Annexation to the City of Modesto \_\_\_\_\_ was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated May 17, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the annexation of said territory, which is more particularly described as attached hereto, without notice or hearing.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to the executive officer of the Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

## LAUREL AVENUE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeast corner of CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;

1. thence continuing along the Northern line of said ADDITION (103), and the Southern line of the Modesto Irrigation District Lateral No. 4, South  $64^{\circ} 25' 24''$  West, 48.03 feet;
2. thence continuing along the existing City Limits and Southern' line of Modesto Irrigation Lateral No. 4, North  $73^{\circ} 15' 36''$  West, 508.17 feet, to the Northwest corner of said ADDITION (103);
3. thence leaving the existing City Limits, North  $73^{\circ} 15' 36''$  West, 299.41 feet;
4. thence North  $01^{\circ} 04' 30''$  East, 484.22 feet, to the center line of 40.00 foot Laurel Avenue;
5. thence continuing along the center line of said avenue, South  $88^{\circ} 57' 30''$  East, 916.17 feet;
6. thence South  $01^{\circ} 04' 47''$  West, 633.28 feet;
7. thence South  $64^{\circ} 25' 24''$  West, 106.97 feet, along a Northern line of MAZE COURT ADDITION (42), as per description filed October 9, 1951, as Instrument 23639, Stanislaus County Records, to the point of beginning, containing 12.719 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-582

A RESOLUTION ANNEXING CERTAIN UNINHABITED  
TERRITORY DESCRIBED HEREIN AND DESIGNATED  
AS OAKDALE-FLOYD NO. 2  
ANNEXATION TO  
THE CITY OF MODESTO, WITHOUT NOTICE OR  
HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by the owners of land or registered voters residing within territory in the County of Stanislaus requesting annexation of the Oakdale-Floyd No. 2 Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated April 19, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby orders the annexation of said territory, which is more particularly described as attached hereto, without notice or hearing.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to the executive officer of the Local Agency Formation Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Kool Campbell  
Public Works Department

March 13, 1978

OAKDALE-FLOYD NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Beginning at a point on the existing City Limits as established by the Eastern line of FLOYD ADDITION (259), as per description filed August 17, 1970, as Instrument 26194, Stanislaus County Records;

1. thence along the existing City Limits and the Eastern line of said ADDITION (259), North  $00^{\circ} 01' 18''$  East, 660.56 feet, to the Southern line of OAKDALE-FLOYD ADDITION (265), as per description filed January 5, 1971, as Instrument 192, Stanislaus County Records, and the center line of 40.00 foot Floyd Avenue;
2. thence continuing along the existing City Limits and said center line South  $89^{\circ} 23' 34''$  East, 1640.56 feet, to the center line of 100.00 foot Oakdale Road;
3. thence leaving the existing City Limits along Oakdale Road, South  $00^{\circ} 01' 26''$  West, 660.96 feet;
4. thence North  $89^{\circ} 22' 44''$  West, 1640.54 feet, to the point of beginning, containing 24.884 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-583

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP (LAND IMPROVEMENT SERVICES, INC.)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 23, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 21-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the north side of E. Orangeburg Avenue, east of Yarmouth Drive, the following described property:

SEE EXHIBIT "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-82 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 21-3-9 of the Zoning Map be set for June 26, 1978, at 7:40 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

All that portion of the Northeast quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, M.D.B. & M. described as:

BEGINNING at the Southeast corner of the West 5 acres of the Northeast quarter of the Northeast quarter of said Section 21, and running thence North along the east line of said West 5 acres, a distance of 310 feet; thence at right angles West 110 feet; thence at right angles and parallel with the East line of said West 5 acres, a distance of 310 feet; thence at right angles East 110 feet to the place of beginning.

Containing 29,700 square feet net, 34,100 square feet gross.

Agenda 6-5-78  
Item No. 44  
(Land Improvement  
Services, Inc.)

SCHEDULE "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-584

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 18-3-9 OF THE ZONING MAP (ANTHONY J. CANNIZZARO)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 23, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 18-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the west side of Tully Road, south of Levon Avenue the following described property:

County of Stanislaus. Commencing at the Section Corner common to Sections 7,8,17, and 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence South 0° 48' East, 1043.00 feet along the East line of said Section 18, to the point of beginning of this description; thence continuing South 0° 48' East, 115.00 feet; thence South 88° 12' West 223.65 feet; thence North 0° 48' West 115.00 feet; thence North 89° 12' East, 223.65 feet to point of beginning.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-81 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 18-3-9 of the Zoning Map be set for July 3, 1978, at 4:10 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-585

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 32-3-9 OF THE ZONING MAP (STAN CUSHWAY)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 23, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 32-3-9 of the Zoning Map, to rezone from C-2 to Planned Development Zone, P-D(190), property located at the easterly corner of 6th and H Streets the following described property:

All that portion of the northeast one-quarter of Section 32, Township 3 South, Range 9 East, of the Mount Diablo Base and Meridian described as follows:

All of lots 25, 26, 27, 28, 29, 30, 31, 32 in Block 32 in the City of Modesto and the northeasterly 40 feet of 6th Street, all being immediately adjacent to the southwesterly property line of the above said lots.

Including also the southeasterly 40 feet of "H" Street immediately adjacent to the above described property.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-88 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 32-3-9 of the Zoning Map be set for July 3, 1978, at 4:15 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-586

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 12-3-8 OF THE ZONING MAP (SANDERS CONSTRUCTION)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 23, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 12-3-8 of the Zoning Map to rezone from P-D(154) and P-D(157) to new P-D property located on the east side of Dale Road, north of Standiford to allow construction of a commercial complex the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-85 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 12-3-8 of the Zoning Map be set for July 3, 1978 at 4:20 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

Parcel 1

All that portion of the Northwest quarter of the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows, to-wit:

COMMENCING at the quarter section corner between Sections 11 and 12, above Township and Range, and being in the center of a 50 foot County Road (Dale Road); thence South  $0^{\circ} 48'$  East 1245.25 feet along the said Section line to the true point of beginning of this description; thence North  $89^{\circ} 12'$  East 272.25 feet; thence North  $0^{\circ} 48'$  West 80.0 feet; thence North  $89^{\circ} 12'$  East 134.75 feet; thence South  $0^{\circ} 48'$  East 163.40 feet to the North boundary line of Lateral No. 7 of the Modesto Irrigation District; thence along the said North boundary line of Lateral No. 7 the following three courses and distances: South  $85^{\circ} 23'$  West 135.35 feet; South  $89^{\circ} 15'$  West 100.5 feet; North  $86^{\circ} 37'$  West 172.00 feet to the section line between Sections 11 and 12, above Township and Range; thence North  $0^{\circ} 48'$  West along the said section line 80.0 feet to the true point of beginning of this description.

Parcel 2

COMMENCING at the quarter section corner between Sections 11 and 12, above township and range and being in the center of a 50 foot County Road (Dale Road); thence South  $0^{\circ} 48'$  East 1165.25 feet along the section line to the true point of beginning of this description; thence North  $89^{\circ} 12'$  East 272.25 feet; thence South  $0^{\circ} 48'$  East 80.0 feet; thence South  $89^{\circ} 12'$  West 272.25 feet to the said Section line; thence North  $0^{\circ} 48'$  West 80.0 feet along the section line to the true point of beginning.

The above said Parcels being also described as a portion of Lot 4 of the McKinney Colony according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 21, 1903, in Volume 1 of Maps, page 37.

All that certain real property situate in a portion of the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the West quarter section corner of said Section 12, said corner being at the intersection of the center line of Veneman Avenue and the center line of Dale Road; thence South  $0^{\circ} 48' 40''$  East along the West line of said Section 12, a distance of 431.00 feet to the Point of Beginning; Thence North  $89^{\circ} 11' 20''$  East 549.99 feet; thence South  $0^{\circ} 48' 40''$  East 887.64 feet to the Northerly right-of-way line on Modesto Irrigation District Lateral No. 7; thence South  $85^{\circ} 17' 10''$  West along said Northerly right-of-way line a distance of 143.32 feet; thence North  $0^{\circ} 48' 40''$  West 163.14 feet; thence South  $89^{\circ} 11' 20''$  West 407.00 feet to aforementioned West line of Section 12; thence North  $0^{\circ} 48' 40''$  West along said West line a distance of 734.25 feet to the point of beginning. Containing 9.79 acres.

Agenda - June 5, 1978  
Item 47  
(Sanders Construction)  
SCHEDULE "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-587

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 31-3-9 OF THE ZONING MAP (NORMAN J. WINSOR)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 23, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 31-3-9 of the Zoning Map, to rezone from R-1 to P-D(187) for a mobilehome park at the northeast corner of Carpenter and Chicago Avenue

the following described property:

Parcel 3 as shown on a Parcel Map filed in the office of the County Recorder of Stanislaus County on September 19, 1973, in Book 17, page 94 of Parcel Maps in the County of Stanislaus, State of California, and being a portion of the Southwest one-quarter of Section 31, Township 3 South, Range 9 East.

Including also the Easterly 45 feet of Carpenter Road and the Northerly 20 feet of Chicago Avenue immediately adjacent to said Parcel 3.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-78 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 31-3-9 of the Zoning Map be set for June 26, 1978, at 7:45 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-588

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19-3-9 OF THE ZONING MAP (BEN CIMPONERI)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 25, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 19-3-9 of the Zoning Map to rezone from C-1 to R-D property located south of Evergreen Avenue east of N. Orangeburg to allow construction of a 60-unit elderly housing complex the following described property:

Parcel A, as per Parcel Map filed July 22, 1966, in Book 2 of Parcel Maps, Page 21, Stanislaus County Records; being a portion of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Containing 1.03 acres net.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-79 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 19-3-9 of the Zoning Map be set for June 26, 1978, at 7:50 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-589

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 2-3-8 OF THE ZONING MAP (INVEST WEST FINANCIAL CORP.)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 23, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 2-3-8 of the Zoning Map to rezone from R-1 to P-D property located on the west side of Dale Road, north of Snyder to allow construction of 278 dwelling multiple-family residential complex the following described property:

The south one-half of the southeast quarter of the southeast quarter of Section 2, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-83 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 2-3-8 of the Zoning Map be set for July 3, 1978, at 4:25 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-590

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTIONS 12-3-8 AND 13-3-8 OF THE ZONING MAP (C.J. RUMBLE)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 23, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Sections 12-3-8 and 13-3-8 of the Zoning Map to rezone from R-1 to H-1 and R-2 property located east of Sisk Road both north and south of Rumble Road

the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-86 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Sections 12-3-8 & <sup>13-3-8</sup> of the Zoning Map be set for June 26, 1978, at 7:35 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

Rezone R-1 to H-1

All that certain real property situate in a portion of the Northwest quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcel 3 as shown on the Parcel Map, filed in Book 26 of Parcel Maps at page 103, Stanislaus County Records.

Including also the southerly 30 feet of Rumble Road immediately adjacent to said Parcel 3.

Containing 1.68 acres gross, 1.52 acres net.

Rezone R-1 to H-1

ALL that certain real property situate in a portion of the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows;

COMMENCING at the Southwest corner of said Section 12; thence North 0°48'40" West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the westerly prolongation of the center line of Rumble Road; thence North 88°45'45" East, along said westerly prolongation of the center line of Rumble Road, a distance of 2.52 feet, to the intersection with the center line of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial lines bears North 86°23'04" East; thence Northerly along said curve and the center line of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of 2°34'53", to a tangent line; thence North 1°02'03" West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North 69°42'07" East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et.al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South 0°48'40" East, along said West line of the

Agenda - June 5, 1978  
Item 51  
(C.J. Rumble)

SCHEDULE "A"

Harold O. Miller property a distance of 353.72 feet to said center line of Rumble Road; thence South 88°45'45" West, along said center line of Rumble Road, a distance of 650.54 feet to the point of beginning.

Containing 3,60 acres, 3,10± net acres;

Rezone R-1 to R-3

All that certain real property situate in a portion of the Northwest quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcel 2, as shown on the Parcel Map filed in Book 26 of Parcel Maps at page 103, Stanislaus County Records.

Including also the southerly 30 feet of Rumble Road and the Westerly 30 feet of Lou Ann Drive, immediately adjacent to said Parcel 2.

Containing 3,35 acres gross, 2,97 acres net.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-591

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (JOHN AND MARCELLA HANSON)

WHEREAS, the Modesto City Planning Commission held a public hearing on May 23, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 22-3-9 of the Zoning Map to prezone to P-0 property located at the southeast corner of Coffee Road and Coolidge Avenue

the following described property:

All the certain real property situate in the County of Stanislaus, State of California, described as follows:

The west one-half of Lot 1 in Block 1179 of Garden Acres Tract, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, on November 18, 1940 in Volume 14 of maps, at Page 9.

Including also the easterly 25 feet of Coffee Road and the southerly 30 feet of Coolidge Avenue immediately adjacent to said Lot 1.

Contains 6,256 square feet net, 12,237 square feet gross.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-87 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 22-3-9 of the Zoning Map be set for June 26, 1978, at 7:55 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

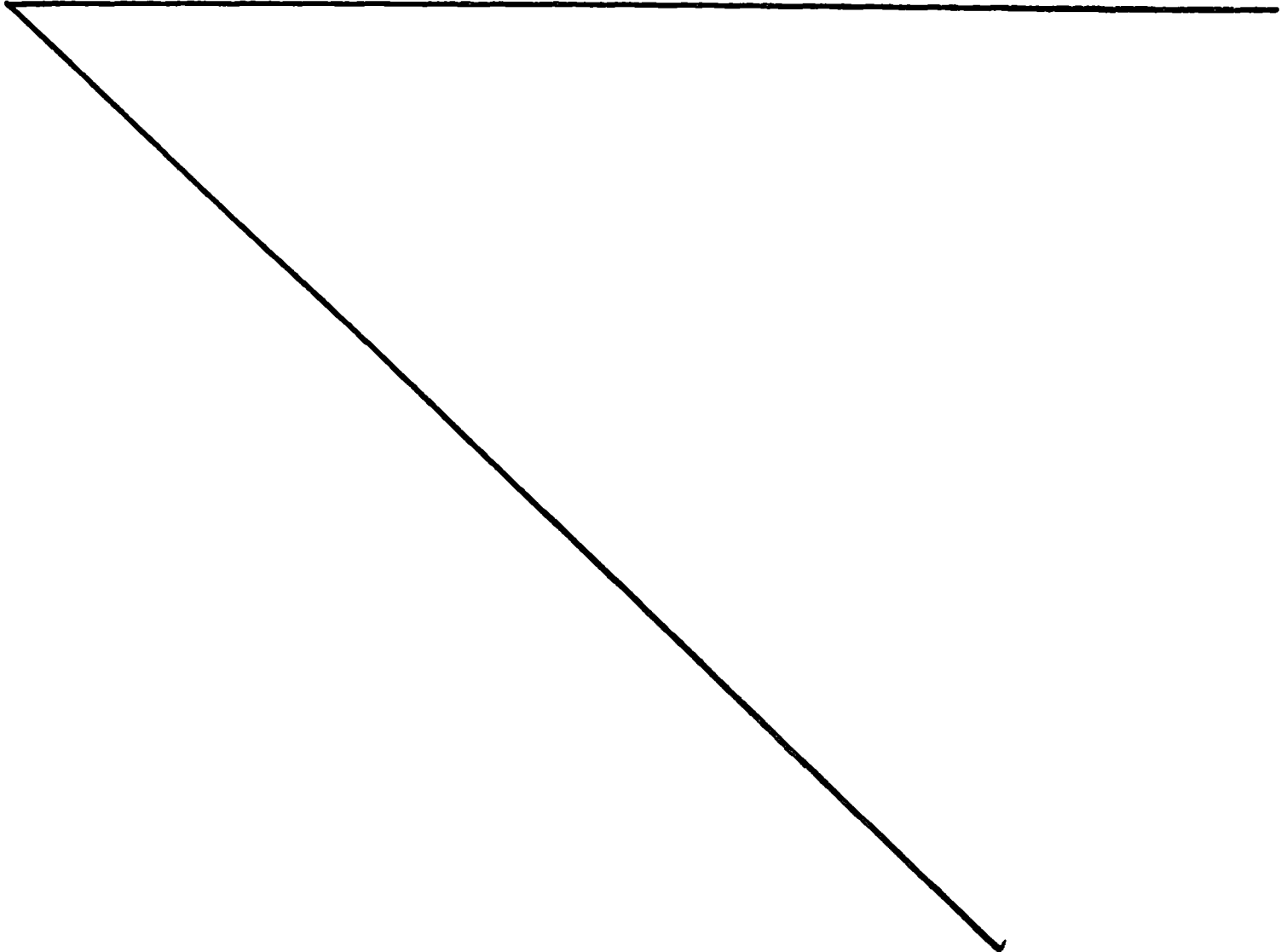
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-592

A RESOLUTION OF INTENTION TO AMEND SECTIONS 16-3-9 AND 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO RECLASSIFY CERTAIN PROPERTY, AND REFERRING SAID MATTER TO THE PLANNING COMMISSION FOR CONSIDERATION AND RECOMMENDATION. (COUNCIL INITIATED) (COMMERCIAL PROPERTY ALONG McHENRY AVENUE, FROM BRIGGSMORE AVENUE TO BOWEN AVENUE)

BE IT RESOLVED by the Council of the City of Modesto that proceedings are hereby initiated to amend Sections 16-3-9 and 17-3-9 of the Zoning Map to reclassify from General Commercial Zone, C-2, to Highway Frontage Zone, H-1, the following described property:



PART ONE

ALL that property located in the Southwest one-quarter of Section 16 Township 3 South, Range 9 East of the Mount Diablo Base and Meridian, described as follows:

ITEM 1

ALL of Parcels 1, 2, and 3 as shown on the map filed in Book 15 of Parcel Maps at Page 80 in the Stanislaus County Records.

INCLUDING also the Easterly 55 feet of McHenry Avenue, immediately adjacent to said Parcels 2 and 3, also the Northerly 30 feet of Tokay Avenue immediately adjacent to said Parcel 2.

ITEM 2

BEGINNING at the point of intersection of the centerline of McHenry Avenue with centerline of Tokay Avenue being the true point of beginning; thence North  $0^{\circ} 47' 40''$  West along the centerline of McHenry Avenue 180.00 feet; thence South  $89^{\circ} 36' 55''$  East 180.00 feet; thence South  $0^{\circ} 47' 40''$  East 180.00 feet to a point on the centerline of Tokay Avenue; thence North  $89^{\circ} 36' 55''$  West along the said centerline 180.00 feet to the true point of beginning.

PART TWO

ALL that property located in the Southeast one-quarter of Section 17, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian described as follows:

ITEM 3

ALL of Parcels A, B, C, and D as shown on the map filed in Book 4 of Parcel Maps at Page 76 in the Stanislaus County Records.

INCLUDING also the Westerly 55 feet of McHenry Avenue, immediately adjacent to the above said Parcels A, B, and C.

ITEM 4

ALL of Parcels "A" and "B" as shown on the map filed in Book 4 of Parcel Maps at Page 112 in the Stanislaus County Records.

INCLUDING also the Southerly 30 feet of Bowen Avenue and Westerly 55 feet of McHenry Avenue immediately adjacent to the above said Parcel "B" and the Westerly 55 feet of McHenry Avenue immediately adjacent to above said Parcel "A".

ITEM 5

BEGINNING at the Southeast corner of Parcel "B" as shown on the map filed in Book 4 of Parcel Maps at Page 112 in the Stanislaus County Records also being the point of beginning at the intersection of the west line of McHenry Avenue with the South line of said Parcel "B"; thence South  $89^{\circ} 12' 30''$  West 240.00 feet; thence South  $0^{\circ} 47' 30''$  East 100.00 feet; thence North  $89^{\circ} 12' 30''$  East 240.01 feet to the point of intersection with the said west line of McHenry Avenue; thence North  $0^{\circ} 47' 45''$  West 100.00 feet along said West side of McHenry Avenue to the point of beginning.

INCLUDING also the Westerly 55 feet of McHenry Avenue immediately adjacent to the above described property.

BE IT FURTHER RESOLVED that the proceedings to reclassify the above described property from General Commercial Zone, C-2, to Highway Frontage Zone, H-1, are hereby referred to the Planning Commission at its regular meeting of July 18, 1978, at 7:30 o'clock P.M. for a public hearing in the City Council Chambers, City Hall, 801 11th Street, Modesto, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kulljian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William P. ...*  
Department of Planning and Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-593

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,500 TO COVER SECURITY SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Reserve General Fund (60-800-230)	\$4,500
TO: Security Service (233-460-230)	\$4,500

Security services at times of boarding of airlines is provided by the Modesto Police Department and fully reimbursed by the airlines. The expenditures for the security services are exceeding that originally budgeted. It is estimated that \$4,500 additional is needed for this fiscal year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-594**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING APPEAL BY JESSIE E. BRIGHT TO A DECISION OF THE PLANNING COMMISSION REGARDING REZONING FROM R-1 TO P-0 PROPERTY LOCATED AT 1702 SUNRISE AVENUE**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto that July 10, 1978, at 7:35 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Jessie E. Bright to a decision of the Planning Commission regarding rezoning from R-1 to P-0 property located at 1702 Sunrise Avenue.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

**ATTEST:** *Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-595

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REPAIRS AND IMPROVEMENTS TO THE PARKING LOT AT THE SOUTHWEST CORNER OF 10TH AND H STREETS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for repairs and improvements to the parking lot at the southwest corner of 10th and H 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 July 11, 1978 at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-596

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE 3/4 TON PICKUP**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for furnishing one 3/4 ton pickup copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on June 27, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST:

*Norrine Coyle*  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-597**

**A RESOLUTION ACCEPTING THE BID OF DOW HAMMOND FOR FURNISHING ONE FIRE  
RESCUE TRUCK**

**WHEREAS, Resolution No. 78-212 , adopted by the Council of the  
City of Modesto on February 21, 1978 , approved the plans and speci-  
fications for the fire rescue truck**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the fire rescue truck**

**were opened at 2:00 p.m. on May 9, 1978 and later tabulated  
by the Director of Finance for the consideration of the  
Council, and**

**WHEREAS, the Director of Finance has recommended that  
the bid of Dow Hammond in the amount of \$17,554.03**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Dow Hammond in the amount of \$17,554.03**

**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 12th day of June,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-598

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF DOWNEY PARK PLAY AREA  
EQUIPMENT AS COMPLETE**

WHEREAS, a report has been filed by the Director of Public Works that the construction of Downey Park play area equipment has been completed by Biben's Nursery Company in accordance with the contract agreement dated August 22, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of Downey Park play area equipment be accepted from said contractor, Biben's Nursery Company; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$38,727.50 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 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-599

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE SCENIC-LAKEWOOD NO. 2 ANNEXATION  
TO THE CITY OF MODESTO.

WHEREAS, pursuant to the provisions of Part 2 of Division 2  
of Title 4 of the Government Code of the State of California (Municipal  
Organization Act of 1977), a petition signed by the owners of territory  
in the County of Stanislaus requesting annexation to the City of  
Modesto of the Scenic-Lakewood No. 2 Annexation to the City of Modesto  
was filed with the Stanislaus County Local Agency Formation Commission  
for its consideration and approval, and said Stanislaus County Local  
Agency Formation Commission (LAFCO) by resolution adopted on the  
29th day of March, 1978, determined that said territory  
is uninhabited and approved the initiation of proceedings for annexation  
of said uninhabited territory to the City of Modesto, and

WHEREAS, said uninhabited territory is situated in the County  
of Stanislaus, State of California, and contiguous to the City of Modesto,  
and

WHEREAS, the City Council by Resolution No. 78-429 adopted  
on the 24th day of April, 1978, initiated proceedings  
to annex said territory and set a hearing at the hour of 7:30 o'clock  
P.M. on the 12th day of June, 1978, in the Council  
Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds  
that all the requirements of Municipal Organization Act of 1977, as  
amended, have been complied with, and that a copy of the resolution

giving notice of the proposed annexation and fixing the time and place for hearing protests to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on April 28, 1978, and on May 5, 1978; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 3, 1978, and on May 10, 1978, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto not less than twenty (20) days before the date set for public hearing to:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice;

(b) The chief petitioners, if any, as indicated in the petition initiating proceedings:

(c) To each affected city, county, and district:

(d) To the executive office of the Local Agency Formation Commission; and

(e) To all other persons as were legally entitled thereto, and

WHEREAS, on the 12th day of June, 1978, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus,

State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and written protests have not been filed by the owners of fifty (50%) percent of the total assessed value of land and improvements within the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

2. The area or territory so annexed, designated as the Scenic-Lakeood No. 2 Annexation to the City of Modesto, is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, six certified copies of this resolution, stating the date of its passage; to immediately make six copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

SCENIC-LAKEWOOD NO. 2

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of SCENIC-LAKEWOOD ADDITION (332), as per description filed May 30, 1975, as Instrument 46313, Stanislaus County Records;

1. thence along the existing City Limits along an Eastern line of said ADDITION (332), North  $00^{\circ} 44' 20''$  West, 576.59 feet;
2. thence continuing along the existing City Limits, North  $41^{\circ} 21' 40''$  East, 118.16 feet;
3. thence continuing along the existing City Limits, North  $68^{\circ} 39' 05''$  East, 402.10 feet;
4. thence leaving the existing City Limits, South  $00^{\circ} 44' 20''$  East, 385.57 feet;
5. thence North  $88^{\circ} 32' 40''$  East, 325.32 feet, to the East line of Section 23 and the center line of Lakewood Avenue;
6. thence along said Section line and center line, South  $00^{\circ} 44' 20''$  East, 324.25 feet, to the center line of 50.00 foot Scenic Drive;
7. thence along said center line, South  $78^{\circ} 01' 55''$  West, 601.90 feet;
8. thence South  $50^{\circ} 37' 08''$  West, 250.68 feet;
9. thence North  $50^{\circ} 05' 47''$  West, 25.51 feet;
10. thence North  $50^{\circ} 37' 08''$  East, 31.52 feet;
11. thence North  $00^{\circ} 44' 20''$  West, 137.39 feet, to the point of beginning, containing 10.490 Acres, more or less.

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND  
DIRECTING THE FILING OF A NOTICE OF APPROVAL OF ANNEXATION:  
(SCENIC-LAKEWOOD NO. 2 ANNEXATION TO THE CITY OF MODESTO)

WHEREAS, on June 12, 1978, the City Council adopted Resolution  
No. 78-599 giving approval to the following annexation: Scenic-Lakewood No. 2  
Annexation to the City of Modesto, and

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus approved  
said annexation on March 29, 1978, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and  
considered the findings of the County of Stanislaus Environmental Review Committee which  
resulted in a negative declaration in regard to the environmental impact of the subject  
annexation.

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 Approval in regard to  
the environmental impact of the following annexation: Scenic-Lakewood No. 2 Annexation  
to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of  
the City of Modesto held on the 12th day of June, 1978, by Councilmember  
Dunlap, who moved its adoption, which motion being duly seconded by  
Councilmember Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-601

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (WALTER WATSON).

WHEREAS, on June 12, 1978, the City Council adopted Ordinance 1734 -C.S. giving approval to a project relating to an amendment to Section Map 8-3-9 of the Zoning Map of the City of Modesto reclassifying certain property located thereon from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 8-3-9 of the Zoning Map of the City of Modesto reclassifying certain property located thereon from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES· Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES· Councilmembers: None

ABSENT· Councilmembers: None

ATTEST· *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM·

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-602

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (184) AND PREZONED PLANNED  
DEVELOPMENT ZONE, P-PD (184).

WHEREAS, a verified application for an amendment to Section 6-4-9  
of the Zoning Map was filed by Mid-Cal Land Development on March 15, 1978, to  
reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D,  
and to prezone to Planned Development Zone, P-PD, the following described property:

R-1 to P-D (184)

All that certain property situate in Section 6, Township 4 South, Range 9 East,  
Mount Diablo Base and Meridian, located in the City of Modesto, County of  
Stanislaus, State of California, described as follows:

COMMENCING at the interior quarter corner of said section 6; thence South  
0°00'55" East along the quarter section line a distance of 362.87 feet  
to the true point of beginning of this description; thence continuing  
South 0°00'55" East 163.66 feet; thence South 89°39'59" West 151.54 feet  
to the beginning of a tangent curve concave to the North having a radius  
of 300.00 feet; thence Westerly 68.11 feet along said curve through a  
central angle of 13°00'31" to the beginning of a reverse curve concave  
to the South having a radius of 250.00 feet, a radial line through said  
beginning of reverse curve bears North 12°40'30" East; thence Westerly  
56.34 feet along said curve through a central angle of 12°54'45"; thence  
on a non-tangent line South 0°00'40" East 816.58 feet to the center line  
of Robertson Road; thence South 89°40'20" West along the center line of  
Robertson Road a distance of 413.71 feet; thence North 0°08'52" East  
967.28 feet; thence North 89°45'50" East 686.01 feet to the true point  
of beginning of this description.

Containing 10.169 Acres

All that certain property situate in Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, located in the County of Stanislaus, State of California, described as follows:

BEGINNING at the interior quarter corner of said Section 6; thence South  $0^{\circ}00'55''$  East along the quarter section line, a distance of 362.87 feet; thence South  $89^{\circ}45'50''$  West 686.01 feet; thence South  $0^{\circ}08'52''$  West 967.28 feet to the center line of Robertson Road ; thence South  $89^{\circ}40'20''$  West along the center line of Robertson Road a distance of 688.73 feet; thence North  $0^{\circ}18'10''$  East 1320.20 feet to a point on the North line of Peggy Lane; thence South  $89^{\circ}47'15''$  West along the North line of Peggy Lane a distance of 85.00 feet; thence North  $0^{\circ}00'29''$  West 159.45 feet; thence North  $50^{\circ}06'17''$  East 612.66 feet; thence North  $89^{\circ}40'20''$  East 270.05 feet; thence North  $0^{\circ}00'29''$  West 211.15 feet; thence North  $50^{\circ}06'17''$  East 83.75 feet to a point on a non-tangent curve concave to the southwest having a radius of 340.00 feet and a central angle of  $25^{\circ}26'50''$ , a radial to said point bears North  $75^{\circ}33'07''$  East; thence Northwesterly 151.01 feet along said curve to a tangent line; thence North  $39^{\circ}53'43''$  West along said tangent line 158.91 feet to the centerline of Paradise Road; thence North  $50^{\circ}06'17''$  East along the centerline of Paradise Road a distance of 60.00 feet; thence South  $39^{\circ}53'43''$  East 158.91 feet to the beginning of a tangent curve concave to the Southwest having a radius of 400.00 feet; thence Southeasterly 149.55 feet along said curve through a central angle of  $21^{\circ}25'18''$ ; thence on a non-tangent line North  $50^{\circ}06'17''$  East 279.99 feet; thence North  $89^{\circ}59'31''$  East 385.75 feet to a point on the North-South quarter section line of Section 6; thence South  $0^{\circ}00'29''$  East along said quarter section line a distance of 1023.33 feet to the true point of beginning of this description.

Containing 49.970 acres,

and

WHEREAS, after public hearing held on April 18, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- 1) The proposed dwelling unit density at 10.7 dwellings per acre is only slightly higher than the 10 dwellings per acre permitted in areas qualifying only for low density residential zoning.
- 2) Alternate plans containing a higher number of total dwelling units but also a lower than 10 dwellings per acre net dwelling unit density are possible but would not be as desirable as the proposed plan.
- 3) The zero lot line proposal makes better use of the land, eliminating one essentially useless 6 foot wide sideyard,

and

WHEREAS, after a public hearing held on June 12, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Mid-Cal Land Development for a Planned-Development Zone and Prezoned Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1735-C.S. on the 12th day of June, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D (184), and prezoned Planned-Development Zone, P-PD (184).

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 (184) and rezoned Planned-Development Zone, P-PD (184), is hereby approved in accordance with the plan titled "Pine Tree Village", as amended in red, stamped approved by the Planning Commission on April 18, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the plot plan titled "Pine Tree Village", as amended in red on its face, stamped approved by the Planning Commission on April 18, 1978, and on file in the office of the Director of Planning and Community Development. Said plot plan shall be deemed modified to conform to the tentative and final subdivision maps for Pine Tree Village Subdivision.
2. That prior to the issuance of a building permit for any structure other than model homes, a subdivision map shall be recorded in accordance with Chapter 4 of Title 4 of the Modesto Municipal Code.
3. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code.
4. That all landscaping, fences and walls shall be maintained and that the premises shall be kept free of weeds, trash and other debris.
5. That the development shall be connected to the City water and sanitary sewer facilities in accordance with the requirements of the Director of Public Works.
6. That all utilities shall be underground including TV reception facilities. No antennas shall be permitted.
7. That any signs within the entire P-D zone shall comply with the R-1 Zone sign provisions.
8. That a masonry pilaster and board or masonry pilaster and grapestake fence be constructed at the rear property line of those proposed lots adjacent to the applicant's property adjacent to Paradise Road labeled on the plot plan "Future Development", and at the rear property line of those proposed lots adjacent to the property labeled on the plot plan "Future School".

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (184) and prezoned Planned Development Zone, P-PD (184) :

The entire construction program is to be accomplished in two phases as follows:

Phase I to include approximately 274 dwelling units with construction to commence on or before July 1, 1979, and to be completed by January 1, 1981.

Phase II to include approximately 162 dwelling units with construction to commence on or before January 1, 1981, and be completed by January 1, 1983.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (184) and rezoned Planned-Development Zone, P-PD (184) 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 June, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Siefkin, Mayor Davies

NOES: Councilmembers: Elliott, Lang

ABSENT: Councilmembers: Mensinger

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William J. Nichols  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-603

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 6-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MID-CAL LAND DEVELOPMENT)

WHEREAS, on June 12, 1978, the City Council adopted Ordinance 1735 -C.S. giving approval to a project relating to an amendment to Section Map 6-4-9 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D (184) and prezoned Planned Development Zone, P-PD (184), and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 6-4-9 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D (184) and prezoned Planned Development Zone, P-PD (184)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Dunlap, Kullijian, Siefkin, Mayor Davies

NOES: Councilmembers: Elliott and Lang

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-604

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT  
ZONE, P-D(183). (STONE BROTHERS AND ASSOCIATES)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Stone Brothers and Associates on March 17, 1978 to reclassify a portion of P-D(21) (which allows two-story R-3 type apartment and business and professional office development) to a new Planned Development Zone, P-D, to allow Neighborhood Commercial Zone, C-1, uses, property located on the south side of Standiford Avenue west of Tully Road, described as follows:

P-D(21) to New P-D

BEGINNING at the East Quarter Section corner of said Section 7, as shown on map of Tully Manor No. 4 filed for record in Volume 22 of Maps, at Page 15, Stanislaus County Records; thence North 89°08' West along the centerline of Standiford Avenue a distance of 452.06 feet; thence South 0°52' West 285.33 feet; thence South 89°08' East 195.86 feet; thence North 0°54' West 83.14 feet; thence South 89°11' 45" East 265.00 feet; thence North 0°54' West along the east line of Section 7 a distance of 202.03 feet to the POINT OF BEGINNING.

Contains: 2.48 acres gross (1.81 acres net)

and

WHEREAS, the Council has introduced Ordinance No. 1736 -C.S. on the 12th day of June, 1978, reclassifying the above-described property from Planned Development Zone P-D(21), to Planned Development Zone, P-D(183).

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(183), is hereby approved in accordance with the plan titled "Proposed Zoning Change for Tully Manor Incorporated Trust Company", as amended in red on its face, stamped approved by the Planning Commission on April 16, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the plan titled "Proposed Zoning Change for Tully Manor Investment Trust Co." as amended in red on its face, stamped approved by the Planning Commission on April 18, 1978, and on file in the office of the Director of Planning and Community Development.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved landscaping and irrigation plan. Irrigation shall be by underground sprinkler system. Screen landscaping shall be installed along the south property line.
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.
6. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or of decorative masonry as determined by the Director of Planning and Community Development.
7. That all outdoor lighting within the P-D Zone shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
8. That upon demand by the City, the developer shall dedicate additional right-of-way to complete Tully Road to a major street standard.
9. That prior to occupancy the developer shall improve Tully Road to major street standards in accordance with the requirements of the Director of Public Works.
10. That the public utility easements as required by the utility companies serving the development shall be dedicated upon demand by the Director of Public Works.
11. That prior to occupancy, the developer shall construct an 8-foot high solid decorative masonry wall along the south property line adjacent to the R-1 zone.
12. That the applicant shall install one fire hydrant and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrant shall be installed and operable prior to occupancy.

13. That 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 located on the premises shall be soundproofed in accordance with the requirements of the Director of Public Works.
14. That all businesses may be open to the public only between the hours of 7 a.m. and 10 p.m. of each day, seven days a week, except for property within 219 feet of Tully Road which may be open between 7 a.m. and midnight of each day, unless a use permit is obtained from the Board of Zoning Adjustment, in accordance with the provisions of Article 20 of Chapter 2 of Title X of the Modesto Municipal Code, after a public hearing to permit one or more businesses to open for additional business hours.
15. That all signs shall comply with the sign requirements of the H-1 Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(183):

That the entire construction program be accomplished in one phase with construction to begin on or before June 1, 1981, and to be completed not later than June 1, 1982.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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(183) becomes effective.

The foregoing resolution was introduced at a regular meeting of the council of the City of Modesto held on the 12 day of June, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William J. Nichols  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-605

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (STONE BROTHERS AND ASSOCIATES)

WHEREAS, on June 12, 1978, the City Council introduced Ordinance No. \_\_\_\_\_ giving approval to a project relating to an amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto, reclassifying certain property located thereon from Planned Development Zone, P-D(21), to Professional Office, P-0, and to Planned Development Zone, P-D(183), and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 7-3-9 of the Zoning Map of the City of Modesto, reclassifying certain property located thereon from Planned Development Zone, P-D(21), to Professional Office, P-0, and to Planned Development Zone, P-D(183)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12 day of June, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES· Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES· Councilmembers· None

ABSENT: Councilmembers: None

ATTEST· Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-606**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING A COOPERATIVE AGREEMENT BETWEEN THE CITY AND HOUSING AUTHORITY REGARDING LOW-COST HOUSING**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that July 3, 1978, at 4:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a cooperative agreement between the City and Housing Authority regarding low-cost housing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:** *Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-607

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF  
IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF  
MODESTO (Mary E. Hunter)

WHEREAS, Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council, did, on May 1, 19 78, adopt its Resolution No. 78-452, ordering the installation of certain improvements along certain streets in the City of Modesto, as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, the Council did by said resolution, set the 12th day of June, 19 78, at 8:05 o'clock P.M., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work, and

WHEREAS, the Superintendent of Streets has caused notices to be given as directed by said Resolution No. 78-452, and

WHEREAS, at the time set for hearing the protests and objections, if any, to the proposed work, the said Council proceeded to hear the same,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices which are attached hereto, and incorporated by reference herein, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the attached notices in accordance with the provisions of Resolution No. 78-452 and Chapter 27, Part 3. of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Dunlap who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-608

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (192).

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Bright Development on December 23, 1977, to rezone from Low Density Residential Zone, R-1, to Planned Development Zone, property located between Veneman and Standiford Avenues west of Hahn Drive, described as follows:

Parcel D as shown and as designated on that certain Parcel Map filed December 20, 1976, in Volume 24 of Parcel Maps, at page 12, being a portion of Lot 4 of McKinney Colony, as per Map filed November 21, 1903, in Volume 1 of Maps, at page 57.

Including the southerly 30 feet of Veneman Avenue and the northerly 50 feet of the Modesto Irrigation District Lateral No. 7 immediately adjacent to said Parcel D,

and

WHEREAS, a public hearing was held on said application before the Planning Commission at its meeting of February 21, 1978, and continued to March 21, 1978, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, thereafter the Planning Commission adopted Resolution No. 78-43 determining that rezoning of the property as requested was not required by public necessity, convenience and general welfare for the reasons set forth in said Planning Commission Resolution No. 78-43 and denied the application of Bright Development for an amendment to Section 12-3-8 of the Zoning Map to rezone the property described above from Low Density Residential Zone, R-1, to Planned Development Zone, and

WHEREAS, an appeal to the decision of the Planning Commission was filed with the City Council of the City of Modesto by Bright Development by a letter dated March 5, 1978, and

WHEREAS, on April 10, 1978, the City Council, by Resolution No. 78-335, set said appeal for a public hearing on May 8, 1978, and

WHEREAS, at said hearing on May 8, 1978, the Council continued said public hearing to May 22, 1978, at 8:30 p.m., and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Bright Development, should be granted and the decision of the Planning Commission overruled for the following reasons:

- 1) While the project does exceed the R-2 density called for in the neighborhood zoning and development plan, the project is near a major source of employment (Vintage Faire) and an increase in densities near the regional shopping center, in an area of low residential densities, is warranted.
- 2) Traffic impacts should not be a burden on the neighborhood given the absence of driveways on peripheral streets that otherwise occur with conventional development. The project is well served by three collector streets--Hahn, Braden, and Veneman--and traffic from this project should not hinder the adjacent neighborhood, particularly when Veneman is closed at Standiford.
- 3) The higher densities are tempered by good plot plan design with generous open space, recreational facilities, and "waterscaping."
- 4) Single-story construction on Veneman Avenue assures better compatibility with single-family residences on Veneman.
- 5) The project affords a range of apartment sizes to offer a diversity of housing for this predominantly single-family neighborhood,

and

WHEREAS, the Council has introduced Ordinance No. 1738 -C. S. on the 12th day of June, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(192),

Modesto as follows:

SECTION 1. DEVELOPMENT PLAN, The development plan for Planned-Development Zone, P-D (192), is hereby approved in accordance with the plan title "400-Unit Apartment Complex -- Bright Development"

\_\_\_\_\_, as amended in red on its face, stamped approved by the City Council on \ June 12, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That the developer shall install 7 on-site fire hydrants in accordance with the specifications of the Fire Chief prior to construction of any structures.
2. That all parking and driveway areas shall be improved in accordance with City standards including the provisions with Sections 10-2.1801, 10-2.1804, and 10-2.1803 of the Municipal Code. The drainage facilities for the parking areas shall be approved by the Director of Public Works.
3. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant for approval by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with the approved landscaping and irrigation plans. Irrigation shall be by underground sprinkler system.
4. That all landscaping, fences, and walls shall be maintained and that the premises shall be kept free of weeds, trash, and other debris.
5. That the development shall be connected to the City water and sanitary sewer facilities in accordance with the requirements of the Director of Public Works.
6. That all utilities shall be underground including TV reception facilities. No antennas shall be permitted.

7. That any signs within the entire P-D Zone shall comply with the R-3 Zone sign provisions.
8. That building plans for the project shall indicate a standard detail for adequate storage for garbage and garden refuse. Said storage areas shall be screened from view from any public street, and shall be subject to approval by the Director of Planning and Community Development.
9. That prior to the issuance of a building permit, the developer shall pay the City of Modesto the cost of planting 84 street trees.
10. That Veneman Avenue, Hahn Drive, and Braden Avenue be dedicated as collector streets upon demand by the City of Modesto.
11. That Veneman Avenue, Hahn Drive, and Braden Avenue shall be constructed to current City of Modesto collector street standards pursuant to improvement plans prepared by a civil engineer and approved by the City Engineer.
12. That the developer shall participate in the cost of constructing the Hahn Drive crossing of M.I.D. Lateral No. 7 according to the terms of the adopted City of Modesto policy on irrigation lateral crossings.
13. That public utility easements be dedicated as required by the utility companies serving the development, including a 10-foot wide public utility easement adjacent to all street right-of-way lines.
14. That the required public street improvements shall be installed prior to the occupancy of any structures on the premises, or by July 1, 1980, whichever occurs first.
15. That all outdoor lighting shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
16. That prior to the issuance of a building permit, if the required public street improvements have not been installed, a cash deposit, savings and loan certificate, surety bond, or other instrument of credit in an amount to be determined by the City Engineer, shall be filed with the City Clerk to guarantee installation of public improvements by July 1, 1980, or prior to occupancy, whichever occurs first.
17. That the developer shall construct a six-foot high masonry pilaster and board or masonry pilaster and grape stake fence around the omitted 200' x 175' parcel containing a single-family home located on the south side of Veneman Avenue.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D

(192) :

That all development be accomplished in one phase with construction to begin on or before July 1, 1980, and be completed prior to July 1, 1983.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (192 ) 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 June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William D. Smith  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-609

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 12-3-8 OF THE  
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (BRIGHT  
DEVELOPMENT)

WHEREAS, on June 12, 1978, the City Council  
introduced Ordinance No. 1738-C.S. giving approval to a project  
relating to an amendment to Section Map 12-3-8 of the Zoning Map to rezone  
certain property from Low Density Residential Zone, R-1, to Planned-Development  
Zone, P-D (192)

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting  
it reviewed and considered the findings of the City of Modesto Environ-  
mental Assessment Committee which resulted in a negative declaration,  
in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the Director of Planning and Community Development of the  
City of Modesto is hereby directed to file or cause to be filed with the  
Stanislaus County Clerk a Notice of Determination in regard to the  
environmental impact of the subject project relating to an amendment  
to Section Map 12-3-8 of the Zoning Map of the City of Modesto, reclassifying  
certain property located thereon from Low Density Residential Zone, R-1, to  
Planned-Development Zone, P-D (192)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 610

A RESOLUTION AMENDING SECTION 3.2 ENTITLED "GEOMETRIC DESIGN" OF THE "STANDARD SPECIFICATIONS OF THE CITY OF MODESTO" DATED 1975 TO INCREASE WIDTH OF COLLECTOR STREETS AND TO ADD DRAWING 3-AA THERETO.

WHEREAS, the Planning Commission of the City of Modesto by Resolution No. 77-183 dated October 4, 1977, has recommended to the City Council that Section 3.2, entitled "Geometric Design" of the "Standard Specifications of the City of Modesto" dated 1975, be amended to increase the width of collector streets and to add Drawing 3-AA thereto, and

WHEREAS, the Council of the City of Modesto desires to amend Section 3.2, entitled "Geometric Design" of the "Standard Specifications of the City of Modesto" dated 1975, copies of which are on file in the offices of the City Clerk, Planning Commission and City Engineer, and to add Drawing 3-AA thereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 3.2, entitled "Geometric Design", of the "Standard Specifications of the City of Modesto" dated 1975, copies of which are on file in the offices of the City Clerk, Planning Commission and City Engineer, be amended to increase the width of collector streets, as shown on Exhibit "A" attached hereto and made a part hereof as though set forth in full herein, and that Drawing 3-AA attached hereto, marked Exhibit "B", and made a part hereof by this reference, be added to the "Standard Specifications of the City of Modesto" dated 1975.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion

being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Lang

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

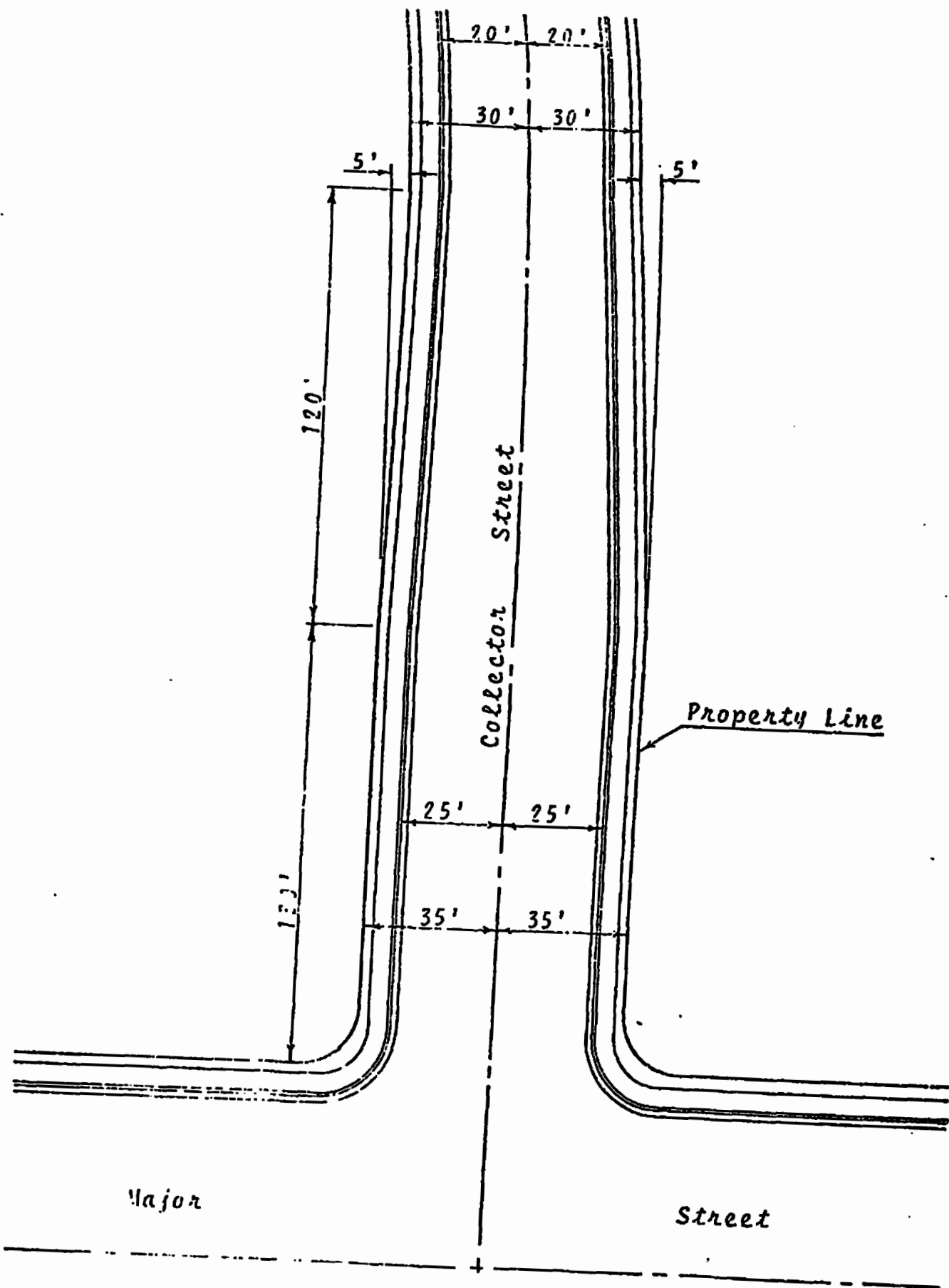
By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Section 3.2: Geometric Design: The street widths shall comply to the Drawings No. 3-AA, 3-B, 3-C, 3-D, 3-E, and 3-F.

The gutter slope shall not be less than 0.20%; however, in problem areas the gutter slope may not be less than 0.15% for residential and not be less than 0.10% for commercial.

The street cross slope grades shall be 2% as shown on Drawings No. 3-B through 3-J except in special situations the cross slope grade may be modified with the approval of the Engineer.

The streets shall be designed to collect storm water at intersections whenever possible.



REVISION			
APPROVED BY CITY COUNCIL		DRAWN BY IFW	
		DATE 8-77	
DIRECTOR OF PUBLIC WORKS		DRAWING NO. 3AA	
RE 10696		CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS	

Exhibit "B"

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 611

A RESOLUTION OF INTENTION TO AMEND SECTION 10-2.1622  
OF THE MODESTO MUNICIPAL CODE RELATING TO THE  
SUBDIVISION REGULATIONS. (COUNCIL INITIATED)

BE IT RESOLVED by the Council of the City of Modesto that proceedings  
are hereby initiated to amend Section 10-2.1622 of the Modesto Municipal Code  
relating to Subdivision Regulations as follows:

SEC. 10-2.1622. AREA CREDIT FOR DEDICATION OF STREET  
RIGHT-OF-WAY. Area credits may be granted to the owner of  
property from which street right-of-way is dedicated as set  
forth hereinafter. Such credit shall be for the purpose of meeting  
the minimum square footage area requirements specified by this  
Code for lots in the zone in which the property is located. Where  
such dedication would entitle an owner to an area credit under  
more than one of the following subsections, the owner shall be  
entitled to the greater of the two area credits.

(a) Widening of an Existing Right-of-Way. An area credit  
may be granted by the City Council to a property owner for the  
dedication of residentially zoned property to widen an existing  
right-of-way. The owner of land shall enter into an agreement  
with the City of Modesto to dedicate such right-of-way in return  
for such credit. No credit shall be granted where the owner  
of the property is required to make a dedication of land for  
street right-of-way.

(b) Dedication for Certain Collector Streets. An owner of  
land who is required to dedicate street right-of-way for an existing  
or to-be-developed collector street in excess of that required for a  
sixty (60') foot wide right-of-way shall be entitled to an area credit  
to the extent that the property dedicated is within two hundred fifty  
(250') feet of a designated major street. The area credit shall apply  
only to the lots adjacent to the property being dedicated.

BE IT FURTHER RESOLVED that the proceedings to amend Section  
10-2.1622 of the Modesto Municipal Code is hereby referred to the Planning Commission  
at its regular meeting on July 5, 1978, at 7:30 P.M. for a public hearing  
in the City Council Chambers, City Hall, 801 11th Street, Modesto, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Lang

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-612

LEASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED AIRLINES FOR SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the <sup>lease</sup> agreement between the City of Modesto and United Airlines

for services at the Modesto City-County Airport/Harry Sham Field

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said <sup>lease</sup> agreement by the designated 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 June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-613

A RESOLUTION ACCEPTING IMPROVEMENTS IN WESTRIDGE NO. 1 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Paul M. Zagaris, Developer subdividers of Westridge No. 1 Subdivision , have filed subdivision Bonds for faithful performance and labor and materials in the amount of \$228,900 and \$114,450 respectively to guarantee improvements in Westridge No. 1 Subdivision ; and

WHEREAS, the Director of Public Works in a memorandum dated May 31, 1978 , 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 Westridge No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$228,900 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 \$114,450 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978 by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

*Norrine Coyle*  
~~NORRINE COYLE, City Clerk~~

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-614

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. 67-66 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 an amendment 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. The Position Classification Plan of the City of Modesto is hereby amended to create a new classification as follows:

CLASSIFICATION CREATED

Police Services Supervisor

SECTION 2. The specifications for the classification created, as shown on the attached Exhibit "A" which is hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly

seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

POLICE SERVICES SUPERVISOR

DEFINITION

Under direction, to plan, organize, supervise and coordinate activities in the administrative services division of the Police Department related to the acquisition of supplies, the management and disposition of evidence, the management of property and the maintenance of police facilities and grounds; and to do related work as required.

EXAMPLES OF DUTIES

To determine items to be purchased to assure that proper requisitioning takes place; follow through on requisitioned items until they are received; submit appropriate budget documentation; assist the Chief of Police annually in the development of the Police Department budget; issue evidence and property at the request of responsible officers; identify evidence; maintain adequate files for the location of evidence and property; supervise the cleaning and maintenance of the police building and surrounding grounds; supervise the process of applications for City permits; and prepare a variety of reports.

SPECIAL REQUIREMENTS

Possession of an appropriate California Operator's license issued by the State Department of Motor Vehicles.

DESIRABLE QUALIFICATIONS

Knowledge of:

Methods of preparing police reports and maintaining general departmental records;  
Procedures for maintaining and identifying evidence;  
Laws under which property and evidence is held and disposed;  
Purchasing and requisitioning of supplies and equipment, including the preparation of equipment specifications;  
Maintenance and upkeep of police facilities;  
Inventory and stock control;  
Departmental procedures and policies;  
Principles of supervision and training.

and

Ability to:

Plan, organize, supervise and coordinate the work of subordinate employees;  
Assure the most economical purchase of equipment, supplies and materials;  
Assure the proper maintenance and upkeep of police facilities;  
Oversee the proper receiving, maintenance and disposition of evidence;  
Properly train and evaluate personnel;  
Prepare an operating budget and control expenditures;  
Establish and maintain cooperative relationships with those contacted during the course of work.

and

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-615

A RESOLUTION APPROVING ANNUAL BUDGET FOR THE GEER ROAD SANITARY  
LANDFILL, FISCAL YEAR 1978-79

WHEREAS, an agreement between the City of Modesto and the County of Stanislaus dated August 17, 1970, provides that the annual budget for the operation of the Geer Road Sanitary Landfill shall be approved by both the City and County legislative bodies; and


WHEREAS, the County of Stanislaus has submitted a proposed budget for 1978-79 totaling \$549,666; and

WHEREAS, the proposed budget has been reviewed by both the Public Works and Finance Department staff personnel and recommendation made that the budget be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed annual budget for the operation of the Geer Road Sanitary Landfill for 1978-79 fiscal year in the amount of \$549,666 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 June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-616

A RESOLUTION CERTIFYING REVIEW OF FINAL ENVIRONMENTAL IMPACT REPORT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO THE WEST TRUNK SEWER.

WHEREAS, on June 12, 1978, the City Council considered and approved a report by the engineering firm of Jenks and Harrison regarding the West Trunk Sewer and authorized the Department of Public Works to select an engineering consultant to prepare plans and specifications for said project, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the "Final Environmental Impact Report-West Trunk" dated June, 1978, including the "Draft Environmental Impact Report-West Trunk Sewer" dated January, 1978, and that said documents have been completed in compliance with the California Environmental Quality Act and the state guidelines for implementation of said act, and

WHEREAS, the Final Environmental Impact Report incorporates by reference the environmental impact report for the "Modesto Wastewater Facilities Improvements" which report was reviewed by the Council on October 11, 1976, and a Notice of Determination ordered filed by Modesto City Council Resolution No. 76-1131, and

WHEREAS, the Final Environmental Impact Report has identified one potential significant effect of the project in that the excess capacity of the proposed sewer line can be considered an inducement to expand urban land use into adjoining agricultural lands in the City's Urban Reserve. Secondary effects would include decreased air quality, increased use of resources (water and energy), and loss of agricultural lands, and

WHEREAS, the Final Environmental Impact Report also reviews alternatives to the proposed project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines in regard to the potential significant effects identified in the Final Environmental Impact Report as follows:

(a) Potential Impact on Urban Reserve. The West Trunk Sewer as recommended with a 54" to 60" pipe would include the capacity to provide sewer service to approximately 1,550 acres in Urban Reserve south of the Woodland Neighborhood as shown on the Modesto Urban Area General Plan, and would include the capacity to extend a sewer trunk to approximately 3250 acres of agricultural land in a tier of five Urban Reserve neighborhoods along the north boundary of Modesto between Dale Road and Oakdale Road. However, this potential use of urban reserve lands is subject to public, council, and environmental review at each stage of development and this sewer line is not a commitment that any such development will occur.

(b) Air Quality. An Air Quality Maintenance Plan for Stanislaus County is currently in preparation. Target dates for this Plan are as follows: distribution of final Plan, August, 1978; adoption of Plan, November, 1978. Implementation of the Plan will enable the Modesto Urban Area to be in compliance with the National Ambient Air Quality Standards during the next 20 year period. Implementation of the Plan will require action by the City and by other jurisdictions. The City of Modesto has determined to cooperate in these efforts by City Council Resolution No. 76-1018.

(c) Water Supply. An adequate supply of ground water exists to serve the Modesto Urban Area. The United States Geological Survey is preparing a study of the local ground water system which will be completed in 1980. This study will guide future planning efforts.

(d) Energy. People consume energy, and will do so wherever new population is housed. New houses on the west side of Modesto will not consume more energy than houses located elsewhere in Stanislaus County or in some other jurisdiction. Unusual circumstances of short supply are not peculiar to this area. The State of California has adopted standards for conserving energy in the design and construction of new houses which are required wherever housing is built in California.

(e) Sewer Extension. The additional sewerage resulting from this project will not have a significant effect on the quality of the effluent discharged into the San Joaquin River since the sewer facilities of the City of Modesto are of adequate capacity and are designed to meet the waste treatment and discharge standards of the State of California and the United States.

BE IT FURTHER RESOLVED that the Council finds and determines that none of the alternatives to the project which are identified in the Final Environmental Impact Report will mitigate the significant impacts heretofore identified for the following reasons:

(a) The alternative of constructing the West Trunk Sewer easterly of its proposed location would only partially and perhaps temporarily ameliorate the potentially significant effects identified in the Final Environmental Impact Report.

(b) The alternative of restricting potential residential growth in the urban reserve would eliminate the significant effects occurring therein but could shift residential growth to neighboring cities or the unincorporated County area, including a shift of the associated significant impacts on water supply, energy, urbanization of prime

agricultural land, and other impacts on local governmental units. In addition, due to increased commuting from outlying areas to the City of Modesto, this alternative would have a net adverse impact on air quality and energy.

(c) The alternative of reducing the size of the West Trunk Sewer to meet only the need of the current sewer service area would, perhaps temporarily, ameliorate the potentially significant effects identified in the Final Environmental Impact Report. However, its cost effectiveness is questionable since later development of the urban reserve would require a greater expenditure of resources.

(d) The concomitant of restricting growth in the urban reserve is higher residential densities in the existing sewer service area. The resulting reduction in average trip length and convenience of mass transit may lessen air pollution, street noise, and use of energy. However, higher densities may also result in increased localized concentrations of vehicles and pollutants as well as the less measurable social impact of crowding noise, and lack of living space. Such social impact may invite more vehicle excursions to outlying parks and recreational areas with an attendant increase in energy consumption and pollution.

BE IT FURTHER RESOLVED that except for the above stated mitigation measures, the specific economic, social and other considerations set forth herein and in the Final Environmental Impact Report make infeasible any other mitigation measures and/or project alternatives identified in the Final Environmental Impact Report.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby approves the "Final Environmental Impact Report - West Trunk" and 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 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mayor Davies

NOES: Councilmembers: Mensinger, Siefkin

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-617

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER FOR FILTER RENTAL FOR USE IN FILTRATION PILOT PLANT AT THE OXIDATION PONDS

WHEREAS, the Director of Public Works has recommended the implementation of a filtration pilot plant at the oxidation ponds; and

WHEREAS, it is the recommendation of the consulting sanitary engineers, Jenks and Harrison, that an air pulse filter be rented from Hydro-Clear Corporation at an estimated \$1,000 per month, minimum 4 months, plus shipping.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that issuance of a purchase order at an estimated amount of \$4,000, plus shipping, for rental of an air pulse filter from Hydro-Clear Corporation 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 June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-618

A RESOLUTION AUTHORIZING ISSUANCE OF A PURCHASE ORDER FOR SERVICES  
IN CONNECTION WITH FILTRATION PILOT PLANT AT THE OXIDATION PONDS

WHEREAS, the Director of Public Works has recommended the  
implementation of a filtration pilot plant at the oxidation ponds; and

WHEREAS, the Director of Public Works has recommended obtaining  
the services of Jenks & Harrison for services in connection with  
the implementation of the filtration pilot plant at the oxidation  
ponds; and

WHEREAS, Jenks and Harrison proposes to provide these services  
at an hourly rate of \$24, including overhead and all expenses for  
an estimated 60 hours for start-up and 32 hours per month for the  
duration of the program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that issuance of a purchase order for services in connection  
with the implementation of the filtration pilot plant at the oxidation  
ponds at an hourly rate of \$24 for the duration of the program,

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 12th day of June, 1978, by  
Councilmember Lang, who moved its adoption, which motion being duly  
seconded by Councilmember Siefkin, was upon roll call carried and the  
resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-619

REVISED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND UMTA AND THE STATE OF CALIFORNIA FOR GRANT TO PURCHASE FIVE BUSES

BE IT **HEREBY RESOLVED** by the Council of the City of Modesto  
revised  
that the/agreement between the City of Modesto and UMTA and the  
State of California  
for the purchase of five buses

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
June, 1978, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-620

A RESOLUTION AMENDING SECTION 1(b) OF RESOLUTION NO. 62-29 ENTITLED "A RESOLUTION ESTABLISHING ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 59-191, ENTITLED 'A RESOLUTION ESTABLISHING PARKING METER ZONES, ONE-WAY STREETS AND ALLEYS AND ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING ALL PRIOR RESOLUTIONS AND REGULATIONS RELATING THERETO', AND RESCINDING ALL SUBSEQUENT RESOLUTIONS AND REGULATIONS RELATING THERETO", AND RESCINDING RESOLUTION NO. 77-857.

BE IT RESOLVED by the Council of the City of Modesto that Section 1(b) of Resolution No. 62-29 entitled, "A Resolution Establishing One-Way Streets and Alleys and Angle Parking in the City of Modesto and Rescinding Resolution No. 59-191, Entitled 'A Resolution Establishing Parking Meter Zones, One-Way Streets and Alleys and Angle Parking in the City of Modesto and Rescinding All Prior Resolutions and Regulations Relating Thereto', and Rescinding All Subsequent Resolutions and Regulations Relating Thereto", be amended to read as follows:

1(b) One-Way Alleys:

Between 1st and 2nd Streets, from H Street to G Street,  
southeasterly direction

Between 2nd and 3rd Streets, from Washington Street to  
I Street, southeasterly direction

Between 9th and 10th Streets, from I Street to K Street,  
southeasterly direction

Between 10th and 11th Streets, from I Street to J Street,  
northwesterly direction

Between 10th and 11th Streets, from 100 feet north of  
J Street to K Street, northwesterly direction

Between 10th and 11th Streets, from K Street to L Street,  
southeasterly direction

Between 11th and 12th Streets, from I Street to J Street, southeasterly direction

Between 11th and 12th Streets, from J Street to K Street, northwesterly direction

Between 12th and 13th Streets, from I Street to K Street, northwesterly direction

Between College and the TSRR Tracks, from Rumble to Leveland, southerly direction

Between June Drive and Timothy Avenue, from Briggsmore Avenue to Judith Lane, southerly direction.

Between McHenry and Sherwood from 130 feet south of Leveland Lane to Leveland Lane, northerly direction

Between McHenry and Timothy beginning 136 feet north of Granger and continuing northerly 285 feet, northerly direction

Between Sheridan Street and Chicago Avenue, from Hudson Lane to Paradise Road, southeasterly direction

Between Sutter and Alturas Avenues, Tuolumne Boulevard, and Western Way, from Alturas Avenue to Sutter Avenue, westerly direction

BE IT FURTHER RESOLVED that Resolution No. 77-857 adopted by the Council on August 15, 1977, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being

duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-621

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
APPROVING THE APPLICATION FOR GRANT FUNDS UNDER  
THE ROBERTI-Z'BERG URBAN OPEN-SPACE AND RECREATION  
PROGRAM. (EAST LA LOMA NEIGHBORHOOD PARK)

WHEREAS, the legislature of the State of California has enacted the Roberti-Z'berg Urban Open-Space and Recreation Program, which provides funds to certain political subdivisions of the State of California for acquiring lands and for developing facilities to meet urban recreation needs, and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program, setting up necessary procedures governing application by local agencies under the program, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications prior to submission of said applications to the state, and

WHEREAS, said applications contain a certification that the applicant will comply with all federal, state, and local environmental, public health, relocation, affirmative action, and clearinghouse requirements and all other appropriate codes, laws and regulations prior to the expenditure of the grant funds, and

WHEREAS, the project applied for under this program must be of a high priority and satisfy the most urgent park and recreation needs with emphasis on unmet needs in the most heavily populated areas,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby;

1. Approves the filing of an application for funding under the Roberti-Z'berg Urban Open-Space and Recreation Program; and
2. Certifies that said agency understands the general provisions of the agreement; and
3. Certifies that said agency has or will have sufficient funds to operate and maintain the project funded under this program; and
4. Certifies that said agency has or will have available prior to commencement of any work on the project included in this application matching money from a nonstate source; and
5. Certifies that the project included in this application conforms to the recreation element of the applicable city or county general plan; and
6. Appoints the 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; and
7. Appoints the City Attorney as legal counsel for said agency with authorization to sign the certification on page 1 of application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978,

by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-622

RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
APPROVING THE APPLICATION FOR GRANT FUNDS UNDER  
THE ROBERTI-Z'BERG URBAN OPEN-SPACE AND RECREATION  
PROGRAM. (MUNCY NEIGHBORHOOD PARK)

WHEREAS, the legislature of the State of California has enacted the Roberti-Z'berg Urban Open-Space and Recreation Program, which provides funds to certain political subdivisions of the State of California for acquiring lands and for developing facilities to meet urban recreation needs, and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program, setting up necessary procedures governing application by local agencies under the program, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications prior to submission of said applications to the state, and

WHEREAS, said applications contain a certification that the applicant will comply with all federal, state, and local environmental, public health, relocation, affirmative action, and clearinghouse requirements and all other appropriate codes, laws and regulations prior to the expenditure of the grant funds, and

WHEREAS, the project applied for under this program must be of a high priority and satisfy the most urgent park and recreation needs with emphasis on unmet needs in the most heavily populated areas,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby;

1. Approves the filing of an application for funding under the Roberti-Z'berg Urban Open-Space and Recreation Program; and
2. Certifies that said agency understands the general provisions of the agreement; and
3. Certifies that said agency has or will have sufficient funds to operate and maintain the project funded under this program; and
4. Certifies that said agency has or will have available prior to commencement of any work on the project included in this application matching money from a nonstate source; and
5. Certifies that the project included in this application conforms to the recreation element of the applicable city or county general plan; and
6. Appoints the 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; and
7. Appoints the City Attorney as legal counsel for said agency with authorization to sign the certification on page 1 of application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1978,

by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-623

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND GATES, McDONALD & COMPANY FOR WORKERS' COMPENSATION CLAIMS MANAGEMENT SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Gates, McDonald and Company for workers' compensation claims management 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 12th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-624**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL BY ROLLER KING TO A DECISION BY THE BOARD OF ZONING ADJUSTMENT REGARDING A FREE-STANDING SIGN**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that July 17, 1978, 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 Roller King's appeal of a Board of Zoning Adjustment decision regarding a free-standing sign.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-625

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WOODROW PARK MASONRY WALL**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the construction of Woodrow Park masonry wall

copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 11, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Cole  
NORRINE COLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-626

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR F.A.U. PROJECT NO. M-F219(1), CONSTRUCTION ON OAKDALE ROAD FROM SCENIC DRIVE TO BRIGGSMORE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for F.A.U. Project No. M-F219(1), construction on Oakdale Road from Scenic Drive to Briggsmore Avenue copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 18, 1978, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-627

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR ASPHALT CONCRETE RESURFACING VARIOUS CITY STREETS

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for asphalt concrete resurfacing of various City streets, Spring 1978 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 5, 1978, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-628

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR STREET LIGHT MODERNIZATION PHASE VIII 1977-78, AND OPENED IN THE OFFICE OF THE CITY CLERK ON JUNE 6, 1978, AT 2:00 P.M.

WHEREAS, Resolution No. 78-468 adopted by the Council of the City of Modesto on May 8, 1978, approved the plans and specifications for street light modernization Phase VIII, 1977-78, and authorized the calling for bids, and

WHEREAS, the bids received for the street light modernization Phase VIII 1977-78 were opened at 2:00 p.m. on June 6, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the low bid of \$149,454 submitted by Industrial Electric Company was 19.3% above the staff estimate of \$125,198, and

WHEREAS, analysis of the bid tabulation reveals that the Engineer did not allow sufficient funds for trenching or jacking the underground conduit, and

WHEREAS, the project includes the installation of 36 new street lights along  $3\frac{1}{2}$  miles of dark residential streets where street lighting did not previously exist, and

WHEREAS, in view of the expected decrease in property tax revenue the Director of Public Works recommends the staff redesign the project and reduce the scope by eliminating all new street lights.

THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for street light modernization Phase VIII 1977-78, and opened in the office of the City Clerk on June 6, 1978 at 2:00 p.m. 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 June, 1978, by Councilmember Elliott , who moved its adoption, which motion being duly seconded by Councilmember Kullijian , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-629**

**A RESOLUTION ACCEPTING THE BID OF L.E. MCGRAW FOR THE CONSTRUCTION  
FIRE STATION #6**

**WHEREAS, Resolution No. 78-471 , adopted by the Council of the  
City of Modesto on May 8, 1978 , approved the plans and speci-  
fications for the construction of Fire Station #6**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of Fire Station  
#6**

**were opened at 11:00 a.m. on June 6, 1978 and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of L.E. McGraw in the amount of \$283,480**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of L.E. McGraw in the amount of \$283,480**

**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 June,**

19 78, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-630**

**A RESOLUTION ACCEPTING THE BID OF RANDIK PAPER COMPANY FOR FURNISHING  
DRY-CELL BATTERIES**

**WHEREAS, Resolution No. 78-517 , adopted by the Council of the  
City of Modesto on May 22, 1978 , approved the plans and speci-  
fications for the furnishing of dry-cell batteries**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of dry-cell  
batteries  
were opened at 2:35 p.m. on June 6, 1978 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 Randik Paper Company in the amount of \$4,000**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Randik Paper Company in the amount of \$4,000**

**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 19th day of June,**

19 78, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-631**

**A RESOLUTION ACCEPTING THE BID OF ALL PURE CHEMICAL COMPANY FOR  
FURNISHING LIQUID CHLORINE**

**WHEREAS, Resolution No. 78-491 , adopted by the Council of the  
City of Modesto on May 15, 1978 , approved the plans and speci-  
fications for the furnishing of liquid chlorine**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of liquid chlorine  
were opened at 2:15 p.m. on June 6, 1978, and later tabulated  
by the Director of Finance for the consideration of the  
Council, and**

**WHEREAS, the Director of Finance has recommended that  
the bid of All Pure Chemical Company in the amount of \$129,426  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of All Pure Chemical Company in the amount of \$129,426  
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 June,**

19 78, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Boyle*  
NORRINE BOYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-632

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (SCENIC-OAKDALE ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on May 1, 1978, duly adopted Resolution No. 78-445 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 175 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, June 19, 1978, at the hour of 4:00 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 175 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 175 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 175, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 175, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1978, by Councilmember Elliott,

who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Karl Campbell  
Public Works Department

## SCENIC OAKDALE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of ANGELO ADDITION (180), as per description filed August 13, 1965, as instrument 31397, Stanislaus County Records, said point being the centerline of 50.00 foot Scenic Drive;

1. thence along an Eastern line of said Addition (180), North  $0^{\circ} 38' 00''$  West, 682.12 feet;
2. thence along a Southern line of said Addition (180), North  $89^{\circ} 17' 00''$  East, 145.21 feet;
3. thence continuing along a Southern line of said Addition (180), North  $89^{\circ} 23' 45''$  East, 163.61 feet;
4. thence North  $0^{\circ} 46' 30''$  West, 4.73 feet;
5. thence along a Southern line of said Addition (180) to a Southwest corner of SCENIC VILLAGE ADDITION (187), as per description filed March 24, 1966, as instrument 10379, Stanislaus County Records, South  $74^{\circ} 50' 00''$  East, 103.93 feet;
6. thence continuing along a Southern line of said Addition (187), South  $74^{\circ} 50' 00''$  East, 102.65 feet;
7. thence leaving the existing City Limits and said Addition (187), South  $0^{\circ} 52' 30''$  East, 763.66 feet to the centerline of 50.00 foot Scenic Drive;
8. thence continuing along said centerline, North  $66^{\circ} 58' 00''$  West, 131.14 feet;
9. thence along a tangent curve, having a Radius of 954.93, a Central Angle of  $24^{\circ} 06' 32''$ , and an Arc Length of 401.81 feet, to the point of beginning, containing 8.387 Acres, more or less.

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on June 19 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Elliott, seconded by Councilman Kullijian, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Pro Tempore Dunlap

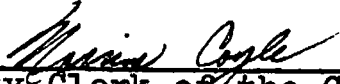
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: June 20, 1978

  
\_\_\_\_\_  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-633

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (CARPENTER-HOUSER ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on May 1, 1978, duly adopted Resolution No. 78-446 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 176 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, June 19, 1978, at the hour of 4:05 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 176 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 176 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 176, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 176, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of June, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

November 4, 1977

CARPENTER - HOUSER ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern boundary of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point being the Western line of Section 31 and the Northern line of 45.00 foot California Avenue;

1. thence along the existing City Limits and the Southern boundary of said Addition (70), North  $89^{\circ} 55' 00''$  East, 693.00 feet;
2. thence leaving the existing City Limits, South  $0^{\circ} 51' 00''$  East, 1357.48 feet to the centerline of 40.00 foot Houser Lane;
3. thence along the centerline of said road, South  $89^{\circ} 44' 43''$  West, 95.33 feet;
4. thence South  $0^{\circ} 13' 47''$  East, 288.63 feet;
5. thence North  $89^{\circ} 44' 43''$  East, 203.00 feet;
6. thence South  $0^{\circ} 07' 43''$  East, 936.26 feet, to the centerline of 40.00 foot Chicago Avenue;
7. thence along the centerline of said road, South  $89^{\circ} 27' 18''$  West, 785.80 feet, to the Western line of Section 31 and the intersection of 90.00 foot Carpenter Road;
8. thence along the range line and Carpenter Road, North  $0^{\circ} 50' 47''$  West, 1248.94 feet, to the intersection of 90.00 foot Carpenter Road and 50.00 foot Houser Lane;
9. thence continuing along Carpenter Road North  $0^{\circ} 51' 00''$  West, 1339.61 feet, to the point of beginning, containing 42.609 acres, more or less.

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on June 19 . 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Lang, seconded by Councilman Kullijian, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: June 20, 1978

Norrine Coyle  
City Clerk of the City of Modesto,  
California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-634

A RESOLUTION ACCEPTING BID OF LLOYD LOEB IN THE AMOUNT OF \$1,625.01 FOR THE PURCHASE OF HOUSE AND OTHER IMPROVEMENTS LOCATED AT 621 SOUTH SUNSET AVENUE IN THE CITY OF MODESTO

WHEREAS, Resolution No. 78-515, adopted by the Council of the City of Modesto on May 22, 1978 approved the sale of buildings located at 617 and 621 South Sunset Avenue; and

WHEREAS, written bids for the sale of buildings located at 617 and 621 South Sunset Avenue were set for opening at 10:00 a.m. on June 19, 1978; and

WHEREAS, two written bids were received for the sale of the house and other improvements located at 621 South Sunset Avenue; and

WHEREAS, oral bids were considered by the Council at 4:10 P.M. on June 19, 1978; and

WHEREAS, the high bid of \$1,625.01 was submitted by Lloyd Loeb, 2425 McHenry Avenue, Modesto, California for the house and other improvements located at 621 South Sunset Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the high bid of Lloyd Loeb in the amount of \$1,625.01 for the purchase of the house and other improvements located at 621 South Sunset Avenue, 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 June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Pro Tempore Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 635

A RESOLUTION APPROVING INCREASED RATES FOR  
PROVIDING CABLE TELEVISION SERVICE BY  
CABLECOM-GENERAL OF MODESTO.

WHEREAS, by Ordinance No. 934-C.S. the City Council has granted to Cablecom-General of Modesto, hereinafter referred to as "Grantee", a nonexclusive franchisee to construct, operate and maintain a CATV system within the City, and

WHEREAS, Section 4 of Ordinance No. 934-C.S., as amended by Ordinance No. 1337-C.S., sets forth a schedule of rates and charges for CATV service to be charged by Grantee to its subscribers and also provides that said schedule of rates and charges may be changed with the prior approval of the City Council expressed by resolution, and

WHEREAS, by Resolution No. 77-242, adopted on February 28, 1977, the Council approved commercial and residential rates for a primary television outlet of \$5.25 per month and the rate for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments of \$2.20 per dwelling unit per month effective March 1, 1977, and

WHEREAS, by Resolution No. 77-242, adopted on February 28, 1977, the Council further increased the rates for providing cable television service by Grantee in the City of Modesto for the months of March 1977 through December 1977 from \$5.25 to \$5.75 per month for a primary commercial and residential television outlet, and from \$2.20 to \$2.70 per dwelling unit per month for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments, and

WHEREAS, by Resolution No. 77-1313, adopted on December 19, 1977, the Council continued said increased rates of \$5.75 per month for a primary commercial

and residential television outlet and \$2.70 per dwelling unit per month for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments for the months of January, February, March, April, May and June 1978, and

WHEREAS, the Council desires to make said commercial and residential rates for a primary television outlet of \$5.75 per month and the rate for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments of \$2.70 per dwelling unit per month permanent rates, and

WHEREAS, the Council further desires to approve an additional rate increase for providing cable television service by Grantee in the City of Modesto from \$5.75 to \$5.95 per month for a primary commercial and residential television outlet, and from \$2.70 to \$2.90 per month for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments, and

WHEREAS, by Resolution No. 78-541, adopted on May 22, 1978, Monday, June 19, 1978, at 4:30 o'clock p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California was set as the time and place for a public hearing when all persons could appear before the City Council and be heard on said increased rates, and

WHEREAS, a public hearing was held at said time and place and evidence, both oral and documentary, was received and considered, and

WHEREAS, after considering said evidence, it was found and determined by the Council of the City of Modesto as follows:

(a) That commercial and residential rate for a primary television outlet should be increased to \$5.95 per month, effective July 1, 1978.

(b) That the rate for a primary television outlet for hotels, motels, mobilehome parks and multiple apartments should be increased to \$2.90 per dwelling unit per month, effective July 1, 1978.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following schedule of rates and charges, which Grantee may charge subscribers to its CATV system in the City of Modesto, is hereby approved as changes in the schedule of rates and charges set forth in Section 4 of Ordinance No. 934-C.S., as amended by Ordinance No. 1337-C.S., effective July 1, 1978:

A. Installation Charges

- (1) Commercial and Residential (Including individual service to multiple apartments and mobilehome spaces)

Primary Television outlet, normal installation \$ 10.00

Additional television outlets

(a) When installed at same time as Primary -- each No Charge

(b) When installed at different time--each \$ 5.00

FM radio outlets

(a) When installed at same time as TV primary outlet--each No Charge

(b) When installed at different time--each \$ 5.00

- (2) Hotels, Motels, Mobilehome Parks and Multiple Apartments (3 or more units)

Primary television outlet, normal installation Actual Cost of Installation

Additional television outlets--each Actual Cost of Installation

FM radio outlets--each Actual Cost of Installation

For special installations involving unusual construction problems, long aerial cable run (over 150 feet), underground cable, etc., actual additional cost of installation at subscriber's expense.

**B. Monthly Service Charges**

**(1) Commercial and Residential (Including individual service to multiple apartments and mobilehome spaces)**

Primary television outlet	\$ 5.95
Additional television outlets--each	\$ 1.00
FM radio outlet (with TV service)--each	\$ .50
FM radio outlet (without TV service)	\$ 5.25
Additional FM outlets--each	\$ .50

**(2) Hotels, Motels, Mobilehome Parks and Multiple Apartments (3 or more units)--per dwelling unit**

Primary television outlet	\$ 2.90
Additional television outlets--each	\$ 1.00
FM radio outlet (with TV service)--each	\$ .50
FM radio outlet (without TV service)	\$ 2.20
Additional FM outlets--each	\$ .50

TV dealer and licensed TV service shops,  
multiple outlets, regardless of number No Charge

**C. Other Charges**

(1) Relocation of existing outlet	\$ 5.00
(2) Connection of new customer to existing television service	\$ 5.00
(3) Disconnection of service	No Charge

**D. Converter Charges (converter at option of subscribers)**

(1) Subscribers to have choice of following:	
(a) Deposit refundable after 24 months	\$17.50
(b) Rental per month	\$ .45

**E. Subscribers shall receive a Ten (10%) Percent discount on service charges paid one year in advance.**

F. In areas where Grantee's system has been installed, if service is not provided to a new residential subscriber within fifteen (15) days after an application for service is received in Grantee's Modesto office, accompanied by the applicable installation charges, Grantee shall provide said subscriber with free service for a period of six (6) months.

G. In areas where Grantee's system must be extended to serve a subscriber in a new subdivision or development in its franchise area, the system shall be constructed, installed and made operable so that service shall be provided within thirty (30) days after an application for service.

If service is not provided to such a subscriber within thirty (30) days after an application for service is received in Grantee's Modesto office, accompanied by the applicable installation charges, Grantee shall provide said subscriber with free service for a period of six (6) months.

H. Effective for billings for periods commencing on or after May 1, 1976, subscribers may be assessed a delinquency charge of Two and no/100ths (\$2.00) Dollars for any service charges overdue by ten (10) days or more after the end of the period for which a billing is made, and a delinquent notice mailed at the end of said period.

SECTION 2. The provisions of this resolution supersede the provisions of all prior resolutions adopted pursuant to the provisions of Section 4 of Ordinance No. 934-C.S., as amended by Ordinance No. 1337-C.S.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Mensinger, Siefkin,  
Mayor Pro Tempore Dunlap

NOES: Councilmembers: Lang

ABSENT: Councilmembers: Mayor Davies

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-636

AMENDMENT TO  
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
BEN C. AND JOYCE TURNER, DALE C. AND ELLEN S. MINER

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
amendment to  
that the /agreement between the City of Modesto and Ben C. and Joyce  
Turner, Dale C. and Ellen S. Miner  
for City use of an additional 2272 square feet of basement area in the  
King's Bench restaurant and lounge, for the remaining term of the lease  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said <sup>amendment to</sup> /agreement  
by the designated 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  
June, 1978, by Councilmember Elliott,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-637

A RESOLUTION APPROVING ISSUANCE OF A PURCHASE ORDER FOR PAVING ADJACENT TO SOUTHERN PACIFIC RAILROAD TRACKS AT 9TH AND COLDWELL

WHEREAS, Southern Pacific Railroad has scheduled the replacement of tracks across 9th Street at Coldwell in the City of Modesto and it is their policy to raise the tracks one inch above the existing street to provide for future overlays; and

WHEREAS, Southern Pacific Railroad is responsible for an area two feet on each side of the tracks; and

WHEREAS, the City of Modesto provides an additional transition of 10 feet on each side of the tracks; and

WHEREAS, it is the recommendation of the Director of Public Works that a purchase order be approved to retain W. Gale Fisher, Inc., the contractor retained by Southern Pacific Railroad, to complete the entire project at the same time because of the problems with traffic control and joining the asphalt.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that issuance of a purchase order in the amount of \$4,360 to W. Gale Fisher, Inc. for paving adjacent to Southern Pacific Railroad tracks at 9th and Coldwell 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 June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Pro Tempore Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-638

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR EMERGENCY DISPATCH SERVICES EFFECTIVE JULY 1, 1978

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 purpose of establishing a public safety central communications system to be utilized by each of the parties of this agreement be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-639

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
STANISLAUS COUNTY SETTING CONDITIONS FOR EMERGENCY DISPATCH SERVICES

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Stanislaus  
County, setting conditions under which City personnel will be  
transferred to County employment

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
June, 19 78, by Councilmember Elliott,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyze  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-640

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT C., AND EVELYN D. VOLZ FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1517 PAULETTE AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Robert C., and Evelyn D. Volz for sewer service to property outside City limits located at 1517 Paulette Avenue on the west side of Paulette Ave. between E. Coolidge Avenue and Briggsmore Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-641

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FRANK AND RUTH YRIGOYEN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1214 GARDEN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Frank and Ruth Yrigoyen for sewer service to property outside City limits at 1214 Garden Avenue, located on the south side of Garden Avenue between Sutter Avenue and Colorado Avenue be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Pro Tempore Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-642

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MASROP A. AND ELSIE J. ACKERS FOR THE PURCHASE OF 0.06+ ACRES OF RIGHT OF WAY NEEDED FOR THE ORANGEBURG-COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. & Mrs. Masrop A. Ackers for the purchase of 0.06+ acres of right of way needed for the Orangeburg-Collier to Coffee project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:   
NORRINE COLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 643

A RESOLUTION ESTABLISHING RATES FOR THE USE OF THE SWIMMING POOLS AT SONOMA SCHOOL (SUSAN BURRIS POOL), MODESTO HIGH SCHOOL, DOWNEY HIGH SCHOOL, BEYER HIGH SCHOOL, DAVIS HIGH SCHOOL AND MODESTO JUNIOR COLLEGE DURING THE SUMMER VACATION SEASONS WHILE SAID POOLS ARE BEING OPERATED BY THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 63-203.

WHEREAS, the City of Modesto has agreements with the Modesto City School District of Stanislaus County, the Modesto High School District of Stanislaus County and the Yosemite Community College District for the joint use of swimming pools at Sonoma School, Modesto High School, Downey High School, Beyer High School, Davis High School and the Modesto Junior College, and

WHEREAS, said agreements provide that City shall have the sole and exclusive use of said swimming pools during the respective school summer vacation seasons, and

WHEREAS, City desires to establish reasonable fees to be charged to the public for the use of said pools and facilities at said swimming pools,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following rates are hereby established for the use of the swimming pools at Sonoma School (Susan Burris Pool), Modesto High School, Downey High School, Beyer High School, Davis High School and Modesto Junior College during the summer vacation seasons while they are under the control and supervision of the Department of Parks and Recreation of the City of Modesto:

Registration Fee, Lessons -	
Beginners . . . . .	\$ 2.00
Registration Fee, Lessons -	
Other than Beginners . . . . .	3.50

Recreational Swim, Adult Admissions,  
 18 years and over . . . . . \$ 1.00

Recreational Swim, Child Admissions,  
 17 years and under . . . . . .35

Swim Team . . . . . 6.00

Child Ticket, 20 swims . . . . . 5.00

Adult Ticket, 20 swims . . . . . 15.00

SECTION 2. This resolution shall become effective as of June 20, 1978.

SECTION 3. Resolution No. 63-203 adopted by the Council on April 22, 1978, is hereby rescinded as of June 20, 1978.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
 Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
 NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
 ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-644

A RESOLUTION ESTABLISHING A BID PROCEDURE FOR THE PURCHASE  
OF RELOCATABLE CLASSROOMS UTILIZING FUNDS RAISED BY THE  
SCHOOL SITE AND FACILITIES TAX.

WHEREAS, the Council of the City of Modesto, by Ordinance No. 1641-C.S. duly adopted on September 6, 1978, added Article 10 to Chapter 2 of Title VIII of the Modesto Municipal Code which established the School Site and Facilities Tax of the City of Modesto for the purpose of supplementing the revenue of local school districts faced with the need to acquire new school sites and facilities due to the continued growth of the City of Modesto, and

WHEREAS, said Article established a Schools Advisory Committee to recommend criteria and priorities for applicable uses and disbursement of funds created by said tax, and

WHEREAS, said Article provides that the Council of the City of Modesto shall by resolution adopted from time to time, set forth the procedures to be used in the disbursement of such funds, and

WHEREAS, the Schools Advisory Committee on March 9, 1978, designated the Modesto City School District as the Responsible Local Agency for the purpose of acquiring facilities for use by the affected school districts, and

WHEREAS, the Schools Advisory Committee has recommended that the Modesto City School District be authorized to solicit bids and award contracts for the purchase of relocatable classrooms and that they be authorized to indicate on the bid document that the invoices for such relocatable classrooms are to be sent directly to the City of Modesto for payment,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Modesto City School District is authorized to solicit bids and award contracts for the acquisition of seven (7) relocatable classrooms for use by

those school districts eligible for School Site and Facilities Tax Funds and to indicate on the bid document that the City of Modesto is to be directly invoiced for such contracts.

BE IT FURTHER RESOLVED, that the Director of Finance is authorized to make payment upon such contracts directly to the successful bidder(s) utilizing funds in the School Site and Facilities Tax Fund.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-645

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
STANDARD OF OREGON FOR LONG-TERM DISABILITY AND LIFE INSURANCE POLICY  
FOR CITY EMPLOYEES**

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Standard of  
Oregon  
for Long-Term Disability and Life Insurance policy for City employees  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
June, 19 78, by Councilmember Elliott,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-646  
CANCELLATION OF

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY REGARDING THE 5% CATV FRANCHISE FEE DESIGNATED FOR THE DEVELOPMENT OF TUOLUMNE RIVER REGIONAL PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
cancellation of  
that the/agreement between the City of Modesto and Stanislaus County  
effective August 13, 1978  
for the 5% CATV franchise fee designated for the development of  
Tuolumne River Regional Park  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said/agreement  
cancellation of  
by the designated 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  
June, 1978, by Councilmember Elliott,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Pro Tempore Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-647

A RESOLUTION AUTHORIZING THE RETENTION OF OUTSIDE LEGAL COUNSEL TO DEFEND COMPLAINTS AND OTHER LEGAL ACTIONS AGAINST THE CITY OF MODESTO, ITS OFFICERS, AND EMPLOYEES.

WHEREAS, since July 16, 1977, the City of Modesto has been self-insured as to the first \$100,000 of liability for any claim arising out of the negligence or other wrongdoing, omission, or tort of the City of Modesto, its officers, and employees, and

WHEREAS, Section 902 of the Charter of the City of Modesto provides that the City Attorney shall represent and appear for the City and City officers and employees in all actions in which such officers and employees are party defendants due to the performance of their official duty, and

WHEREAS, the Council of the City of Modesto by Resolution No. 77-1197 adopted on November 14, 1977 set forth the circumstances under which it would assume the defense of any complaint or other legal action filed against an officer or employee of the City of Modesto, and

WHEREAS, Section 902 of the Charter of the City of Modesto authorizes the Council to retain or employ other attorneys to take charge of any litigation or legal matter or to assist the City Attorney, and

WHEREAS, complaints or other legal actions have been and will continue to be filed against the City of Modesto, its officers, and employees which must be defended by the City of Modesto through the Office of the City Attorney pursuant to Charter Section 902 and Resolution No. 77-1197 and other applicable law, which complaints or actions are based on claims arising on or after July 16, 1977, and which complaints or actions require legal expertise or commitment of time which the City Attorney of the City of Modesto believes can be better handled by outside legal counsel,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines that it is necessary to retain or employ outside legal counsel to

defend pending and future complaints or other legal actions filed against the City of Modesto, its officers, and employees arising out of negligence or other wrongdoing, omission, or tort, as determined by the City Attorney of the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager is authorized to approve and execute agreements with outside legal counsel in accordance with the provisions of this resolution and the City Charter.

BE IT FURTHER RESOLVED that said outside legal counsel, when retained or employed, are authorized to represent the City of Modesto in all such complaints and actions as determined by the City Attorney of the City of Modesto. Said outside legal counsel shall represent any officer or employee of the City of Modesto named or served as a defendant in such complaints and actions pursuant to the provisions of Resolution No. 77-1197, unless any such officer or employee requests that such representation not be given.

BE IT FURTHER RESOLVED that said outside legal counsel are authorized to file any and all necessary cross complaints, counterclaims or other legal actions on behalf of the City of Modesto which the City Attorney believes are necessary or convenient to the defense of such complaint or action, but that no such cross complaint, counterclaim, or action shall be the subject of any contingent fee without the prior approval of the City Council.

BE IT FURTHER RESOLVED that no such cross complaint, counterclaim, or other action shall be filed by outside legal counsel retained or employed by the City of Modesto on behalf of any officer or employee of the City of Modesto except at the sole expense and request of any such officer or employee and except with the approval of the City Attorney upon a determination that there is no conflict with the interests 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 19th day of June, 1978, by

Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Pro Tempore Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-648

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND MODESTO POLICE ASSOCIATION AND AUTHORIZING STAFF TO IMPLEMENT THE PROVISIONS THEREOF

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the memorandum of understanding between the City of Modesto and Modesto Police Association for salary and fringe benefits covering the fiscal year of 1978-79, commencing July 1, 1978, and ending June 30, 1979, be and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said memorandum of understanding by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June , 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-649

A RESOLUTION AMENDING EXHIBIT "F" OF RESOLUTION NO. 77-660 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE".

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 77-660. Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78" attached to Resolution No. 77-660, is hereby amended as shown on the amended Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "F" deletes the position Communications Dispatcher from Range 119.5 and adds the position Communications Dispatcher to Range 120.5.

SECTION 2. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after June 20, 1978.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

CITY OF MODESTO  
 ALPHABETICAL LISTING OF CLASSIFICATIONS IN CITY SERVICE  
 1977-78

(Effective 7-5-77, amended 7-26-77, 8-15-77, 11-28-77, 4-17-78, 6-20-78)

Range No.	Title of Classification
111.5	Account Clerk I
114.5	Account Clerk II
116.5	Account Clerk III
119.5	Account Clerk IV
126.0	Accountant
432.0	Accounting Administrator
426.0	Administrative Analyst
426.5	Administrative Assistant (Parking & Traffic)
429.0	Airport Manager
424.5	Airport Maintenance Supervisor
118.5	Animal Control Officer
122.0	Assistant Building Inspector
633.0	Assistant Chief of Police
434.0	Assistant City Attorney
420.5	Assistant City Clerk
429.0	Assistant Civil Engineer
436.0	Assistant Director of Public Works
122.5	Assistant Electrician
122.0	Assistant Fire Chief
426.0	Assistant Planner
426.0	Assistant Property Agent
122.0	Assistant Public Services Inspector
122.0	Assistant Zoning Inspector
432.0	Associate Civil Engineer
429.0	Associate Planner
529.0	Battalion Chief
426.0	Budget Accountant
125.0	Building Inspector
424.5	Building Maintenance Supervisor
120.5	Building Maintenance Worker
122.5	Building Maintenance Leadworker

Range No.	Title of Classification
433.0	Chief Building Official
429.0	Chief Electrician
N/A	Chief of Police
N/A	City Attorney
N/A	City Clerk and Auditor
N/A	City Manager
117.5	Civil Engineering Technician I
120.5	Civil Engineering Technician II
123.5	Civil Engineering Technician III
426.5	Civil Engineering Technician IV
120.5	Community Service Officer
120.5	Communications Dispatcher
119.5	Computer Operator
125.0	Construction Inspector
426.5	Data Processing Supervisor
427.0	Deputy City Attorney I
312.0	Detective
N/A	Director of Finance
N/A	Director of Management Services
N/A	Director of Parking and Traffic
N/A	Director of Parks and Recreation
N/A	Director of Planning and Community Development
N/A	Director of Public Works and City Engineer
120.5	Electrical Technician
118.5	Electrical Trainee
124.5	Electrician
122.0	Equipment Mechanic
120.5	Equipment Operator
427.0	Equipment Repair Shop Supervisor
119.0	Equipment Service Worker

ALPHABETICAL LISTING (Continued)

<u>Range No.</u>	<u>Title of Classification</u>
120.5	Financial Specialist
N/A	Fire Chief
211.0	Fire Engineer
210.0	Fire Fighter
213.0	Fire Lieutenant
112.0	Fire Prevention Inspector Trainee
122.5	Heavy Equipment Operator
120.5	Housing Conservationist
132.0	Housing Program Officer
125.0	Industrial Waste Inspector
116.5	Janitor
123.0	Junior Accountant
126.0	Junior Civil Engineer
123.0	Junior Planner
113.5	Keypunch Operator
122.5	Laboratory Technician
116.5	Laborer
426.0	Landscape Designer
428.0	Lead Building Inspector
126.0	Lead Electrician
123.0	Lead Equipment Mechanic
416.5	Legal Secretary
429.0	Management Assistant
429.0	Management Assistant (Risk Manager)
113.5	Microfilm and Graphics Technician
115.5	Microfilm and Graphics Technician II
120.5	Motor Sweeper Operator
424.0	Museum Supervisor
122.5	Nursery Propagator

<u>Range No.</u>	<u>Title of Classification</u>
113.5	Office Services Clerk
122.5	Office Services Supervisor
117.5	Offset Duplicating Equipment Operator
122.5	Parking and Traffic Leadworker
120.5	Parking and Traffic Maintenance Worker
122.5	Parks Maintenance Leadworker
424.5	Parks Maintenance Supervisor I
426.5	Parks Maintenance Supervisor II
112.0	Parks Maintenance Trainee
118.5	Parks Maintenance Worker I
120.5	Parks Maintenance Worker II
432.0	Parks and Recreation Superintendent
413.5	Personnel Clerk I
416.5	Personnel Clerk II
432.0	Personnel Manager
420.5	Personnel Technician I
423.5	Personnel Technician II
426.0	Plan Review Engineer I
429.0	Plan Review Engineer II
117.5	Planning Technician I
120.5	Planning Technician II
123.5	Planning Technician III
632.0	Police Captain
630.0	Police Lieutenant
310.0	Police Officer
117.5	Police Property Clerk
425.0	Police Records Supervisor
627.0	Police Sergeant
426.0	Programmer Analyst
430.0	Property Agent
125.0	Public Services Inspector
114.5	Public Services Trainee
122.5	Public Works Leadworker

ALPHABETICAL LIST (Continued)

Range	Title of Classification
12.0	Public Works Maintenance Trainee
18.5	Public Works Maintenance Worker I
20.5	Public Works Maintenance Worker II
24.5	Public Works Supervisor I
26.5	Public Works Supervisor II
20.5	Pump Maintenance Worker
24.0	Purchasing Assistant
29.0	Purchasing Officer
20.0	Recreation Supervisor
25.0	Rehabilitation Specialist
16.5	Secretary I
118.5	Secretary II
120.5	Secretary to the City Attorney
121.5	Secretary to the City Manager
126.5	Senior Building Inspector
124.0	Senior Equipment Mechanic
132.0	Senior Planner
129.0	Service Division Superintendent
123.5	Social Services Coordinator
114.5	Stenographer Clerk
119.5	Storeskeeper I
120.5	Storeskeeper II
120.5	Street Trees Maintenance Worker II
120.5	Supervising Clerk I
119.5	Supervising Clerk II

Range	Title of Classification
113.5	Telephone Operator-Receptionist
429.0	Transit Manager
120.5	Tree Trimmer I
122.5	Tree Trimmer II
111.5	Typist Clerk I
113.5	Typist Clerk II
424.5	Warehouse Supervisor
118.5	Wastewater Treatment Plant Attendant
122.5	Wastewater Treatment Plant Mechanic
120.5	Wastewater Treatment Plant Operator I
122.5	Wastewater Treatment Plant Operator II
426.5	Wastewater Treatment Plant Supervisor
432.0	Water Quality Control Superintendent
114.5	Word Processing Technician I
116.5	Word Processing Technician II
113.5	Word Processing Trainee
125.0	Zoning Inspector

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-650

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN WHITMORE INDUSTRIAL PARK NO. 1 AND WATERLINE EXTENSION IN SCENIC DRIVE TO 700' EAST ON SCENIC BEND**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of waterlines in Whitmore Industrial Park No. 1 and waterline extension in Scenic Drive to 700' East on Scenic Bend 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 11, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-651**

**A RESOLUTION ACCEPTING THE BID OF GILLIG CORPORATION TO FURNISH FIVE BUSES**

**WHEREAS, Resolution No. 77-1307, adopted by the Council of the City of Modesto on December 19, 1977, approved the plans and specifications for the furnishing of five buses**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of five buses were opened at 2:00 p.m. March 7, 1978, and later tabulated by the Director of Parking and Traffic for the consideration of the Council, and**

**WHEREAS, the Director of Parking and Traffic has recommended that the bid of Gillig Corporation in the amount of \$85,152**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Gillig Corporation in the amount of \$85,152**

**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 June,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-652

A RESOLUTION AMENDING THE BUS SERVICE FUND (FUND #350) IN THE FINAL BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR 1977-78 TO PROVIDE FOR AN INCREASE IN APPROPRIATIONS FOR THE PURCHASE OF FIVE BUSES AND TO REESTIMATE REVENUES AVAILABLE TO FINANCE THE APPROPRIATIONS.

WHEREAS, the Council of the City of Modesto has appropriated the amount of \$274,000 for the purchase of five (5) medium size buses in Capital Account #6006 of the Bus Service Fund (Fund #350) in the Final Budget of the City of Modesto for the fiscal year 1977-78, and

WHEREAS, the cost of the five (5) medium size buses has increased \$152,000 from \$274,000 to \$426,000, and

WHEREAS, financing for the additional cost is available from the Urban Mass Transportation Agency and the Local Transportation Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made in the Bus Service Fund (Fund #350) in the Final Budget of the City of Modesto for fiscal year 1977-78.

(1) The appropriation of \$274,000 in the Capital Account #6006 of the Bus Service Fund be increased \$152,000 to \$426,000.

(2) Revenue of \$1,222,842 now estimated in Revenue Account #260, Transportation Grant, be increased \$121,600 to \$1,344,442.

(3) Revenue of \$351,860 now estimated in Revenue Account #208, Local Transportation Allocation, be increased \$23,895 to \$375,755.

(4) Revenue of \$66,026 now estimated in Revenue Account #221, County Transportation Allocation, be increased \$6,505 to \$72,531.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Lang who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-653**

**A RESOLUTION ACCEPTING THE BID OF LEE WHITE PAVING COMPANY FOR CONSTRUCTION OF IMPROVEMENTS TO THE MCHENRY MUSEUM PARKING LOT**

**WHEREAS, Resolution No. 78-494 , adopted by the Council of the City of Modesto on May 15, 1978 , approved the plans and specifications for the construction of improvements to the McHenry Museum parking lot**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of improvements to the McHenry Museum parking lot were opened at 11:05 a.m. on June 13, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Lee White Paving Co., in the amount of \$14,700**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lee White Paving Co., in the amount of \$14,700**

**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 26th day of June,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-654**

**A RESOLUTION ACCEPTING THE BID OF CORNISH CONSTRUCTION PROJECT NO. 8 -  
REPLACEMENT OF CURBS AND DRIVE APPROACHES AT VARIOUS LOCATIONS**

**WHEREAS, Resolution No. 78-548 , adopted by the Council of the  
City of Modesto on June 5, 1978 , approved the plans and speci-  
fications for the Project No. 8 - replacement of curbs and drive  
approaches at various locations  
and authorized the calling for bids, and**

**WHEREAS, the bids received for the Project No. 1 - replacement of  
curbs and drive approaches at various locations  
were opened at 11:00 a.m. on June 20, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Cornish Construction in the amount of \$17,645.00**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Cornish Construction in the amount of \$17,645.00**

**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 June,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-655**

**A RESOLUTION ACCEPTING THE BID OF MAC'S BACKHOE SERVICE FOR CONSTRUCTION  
OF WATERLINES IN LAUREL MEADOWS**

**WHEREAS, Resolution No. 78-551 , adopted by the Council of the  
City of Modesto on June 5, 1978 , approved the plans and speci-  
fications for the construction of waterlines in Laurel Meadows**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterlines  
in Laurel Meadows  
were opened at 11:05 a.m. on June 20, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Mac's Backhoe Service in the amount of \$5,510**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Mac's Backhoe Service in the amount of \$5,510**

**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 June,**

19 78 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Dunlap , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-656**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR FURNISHING  
LIQUID AND EMULSIFIED ASPHALTS**

**WHEREAS, Resolution No. 78-516 , adopted by the Council of the  
City of Modesto on May 22, 1978 , approved the plans and speci-  
fications for the furnishing of liquid and emulsified asphalts**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of liquid and  
emulsified asphalts  
were opened at 2:30 p.m. on June 6, 1978, 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 George Reed, Inc. in the amount of \$31,000**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of George Reed, Inc. in the amount of \$31,000**

**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 June.**

19 78 , by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Dunlap , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-657**

**A RESOLUTION ACCEPTING THE BID OF BRILLIANT LIGHTING COMPANY FOR  
FURNISHING ANNUAL REQUIREMENT OF LARGE LAMPS**

**WHEREAS, Resolution No. 78-518 , adopted by the Council of the  
City of Modesto on May 22, 1978 , approved the plans and speci-  
fications for the furnishing annual requirement of large lamps**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of annual re-  
quirement of large lamps  
were opened at 2:00 p.m. on June 13, 1978, 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 Brilliant Lighting Company in the amount of \$10,000  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Brilliant Lighting Company in the amount of \$10,000  
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 June,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-658**

**A RESOLUTION ACCEPTING THE BID OF WALKERLITE COMPANY FOR FURNISHING  
THE ANNUAL REQUIREMENT OF AUDIO-PHOTO LAMPS**

**WHEREAS, Resolution No. 78-518 , adopted by the Council of the  
City of Modesto on May 22, 1978 , approved the plans and speci-  
fications for the furnishing annual requirement of audio-photo lamps  
and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of annual require-  
ment of audio-photo lamps  
were opened at 2:00 p.m. on June 13, 1978, 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 Walkerlite Company in the amount of \$10,000**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Walkerlite Company in the amount of \$10,000**

**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 June,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-659

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN LINCOLN  
SQUARE NO. 5

WHEREAS, a report has been filed by the Director of Public Works  
that the construction of waterlines in Lincoln Square  
No. 5  
has been completed by Joe Martin

in accordance with the contract agreement dated February 27, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of water-  
lines in Lincoln Square No. 5

be accepted from said contractor, Joe Martin;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$19,585.50  
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 26th day of  
June, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Dunlap, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-660

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS AT THE  
INTERSECTION OF SYLVAN AVENUE AND COFFEE ROAD**

WHEREAS, a report has been filed by the Director of Public Works that the construction of improvements at the intersection of Sylvan Avenue and Coffee Road has been completed by Ferrero Electric, Inc.

in accordance with the contract agreement dated July 11, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of improvements at the intersection of Sylvan Avenue and Coffee Road be accepted from said contractor, Ferrero Electric, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$33,804 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 June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-661

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF CONSTRUCTION OF WATERLINES  
IN BEYERWOOD EAST NO. 1**

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Beyerwood East No. 1 has been completed by Mac's Backhoe Service

in accordance with the contract agreement dated January 23, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Beyerwood East No. 1

be accepted from said contractor, Mac's Backhoe Service;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$56,200 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 June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Morrine Coyle  
MORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-662

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE ORANGEBURG-CLAUS NO. 2 ANNEXATION TO THE  
CITY OF MODESTO.

WHEREAS, pursuant to the provisions of Part 2 of Division 2  
of Title 4 of the Government Code of the State of California (Municipal  
Organization Act of 1977), a petition signed by the owners of territory  
in the County of Stanislaus requesting annexation to the City of  
Modesto of the Orangeburg-Claus No. 2 Annexation to the City of Modesto  
was filed with the Stanislaus County Local Agency Formation Commission  
for its consideration and approval, and said Stanislaus County Local  
Agency Formation Commission (LAFCO) by resolution adopted on the  
29th day of March, 1978, determined that said territory  
is uninhabited and approved the initiation of proceedings for annexation  
of said uninhabited territory to the City of Modesto, and

WHEREAS, said uninhabited territory is situated in the County  
of Stanislaus, State of California, and contiguous to the City of Modesto,  
and

WHEREAS, the City Council by Resolution No. 78-465 adopted  
on the 1st day of May, 1978, initiated proceedings  
to annex said territory and set a hearing at the hour of 7:30 o'clock  
P.M. on the 26th day of June, 1978, in the Council  
Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds  
that all the requirements of Municipal Organization Act of 1977, as  
amended, have been complied with, and that a copy of the resolution

giving notice of the proposed annexation and fixing the time and place for hearing protests to the proposed annexation was published in newspapers of general circulation. to wit: The Modesto Bee, a newspaper published in the City of Modesto on May 8, 1978, and on May 15, 1978; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on May 10, 1978, and on May 17, 1978, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto not less than twenty (20) days before the date set for public hearing to:

(a) Any person who has filed his name and address with the clerk and has requested such mailed notice;

(b) The chief petitioners, if any, as indicated in the petition initiating proceedings;

(c) To each affected city, county, and district;

(d) To the executive office of the Local Agency

Formation Commission; and

(e) To such other persons as were legally entitled thereto, and

WHEREAS, on the 26th day of June, 1978, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus,

State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and written protests have not been filed by the owners of fifty (50%) percent of the total assessed value of land and improvements within the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, said territory is contiguous to the City of Modesto and is uninhabited territory in the County of Stanislaus,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

2. The area or territory so annexed, designated as the Orangeburg-Claus No. 2 Annexation to the City of Modesto, is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, six certified copies of this resolution, stating the date of its passage; to immediately make six copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

ORANGEBURG - CLAUS NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of Section 23 and the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of ORANGEBURG - CLAUS ADDITION (362), as per description filed November 8, 1977, as Instrument 30228, Stanislaus County Records;

1. thence along the existing City Limits and Western line of said ADDITION (362), South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the intersection of the center lines of Claus Road and East Orangeburg Avenue and the Northeastern corner of SPRING CREEK ADDITION (325), as per description filed January 15, 1975, as Instrument 26879, Stanislaus County Records;
2. thence continuing along the existing City Limits along the center line of 50.00 foot East Orangeburg Avenue, and the Northern line of said ADDITION (325), South  $89^{\circ} 21' 00''$  West, 1210.20 feet, to the Northeastern corner of EAST ORANGEBURG NO. 7 ADDITION (352), as per description filed January 20, 1977, as Instrument 41857, Stanislaus County Records;
3. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (352), South  $89^{\circ} 21' 00''$  West, 881.00 feet, to a Northeastern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per description filed May 8, 1975, as Instrument 43098, Stanislaus County Records;
4. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (331), South  $89^{\circ} 21' 00''$  West, 200.99 feet, to the Northwestern corner of ORANGEBURG - FRANSEN ADDITION (365), as per description filed December 30, 1977, as Instrument 43098, Stanislaus County Records;
5. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (365), South  $89^{\circ} 21' 00''$  West, 328.06 feet, to a Southeastern corner of LAKEWOOD NO. 1 ADDITION (292), as per description filed June 9, 1972, as Instrument 23377, Stanislaus County Records;
6. thence continuing along the existing City Limits along an Eastern line of said ADDITION (292), North  $00^{\circ} 53' 10''$  West, 1193.86 feet to the center line of 120.00 foot East Briggsmore Avenue;
7. thence continuing along the existing City Limits along said center line and a Northern line of said ADDITION (292), South  $89^{\circ} 34' 30''$  West, 2622.06 feet, to a Northeastern corner of ORANGEBURG - LAKEWOOD NO. 2 ADDITION (339), as per description filed February 4, 1976, as Instrument 35052, Stanislaus County Records;

8. thence continuing along the existing City Limits along said center line and the Northern line of said ADDITION (339), North  $89^{\circ} 41' 20''$  West, 657.10 feet, to the Northeastern corner of ORANGEBURG - EAST-RIDGE ADDITION (308), as per description filed August 17, 1973, as Instrument 6631, Stanislaus County Records;
9. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $89^{\circ} 41' 20''$  West, 939.87 feet, to a point on a curve;
10. thence continuing along the existing City Limits along a curve concave to the Northwest, having a Central Angle of  $7^{\circ} 25' 35''$ , a Radius of 1200.00 feet, and an Arc Length of 155.43 feet;
11. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $82^{\circ} 15' 45''$  West, 222.06 feet, to a Northeastern corner of ORANGEBURG - SONOMA NO. 2 ADDITION (326), as per description filed January 15, 1975, as Instrument 26880, Stanislaus County Records;
12. thence continuing along the existing City Limits and a Northern line of said ADDITION (326), North  $82^{\circ} 15' 35''$  West, 1326.50 feet;
13. thence continuing along the existing City Limits and the Western line of said ADDITION (326), South  $00^{\circ} 14' 00''$  East, 1400.75 feet, to the center line of 60.00 foot East Orangeburg Avenue and a Northern line of SONOMA NO. 3 ADDITION (285), as per description filed April 26, 1972, as Instrument 16760, Stanislaus County Records;
14. thence continuing along the existing City Limits along said center line and Northern line of said ADDITION (285), North  $89^{\circ} 27' 15''$  West, 657.05 feet, to a Southeastern corner of OLD OAKDALE NO. 2 ADDITION (301), as per description filed March 5, 1973, as Instrument 37469, Stanislaus County Records;
15. thence continuing along the existing City Limits and an Eastern line of said ADDITION (301), North  $00^{\circ} 13' 53''$  West, 1539.53 feet, to the Northeastern corner of said ADDITION (301), and the North right-of-way line of 120.00 foot East Briggsmore Avenue;
16. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $82^{\circ} 27' 05''$  West, 748.59 feet;
17. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $82^{\circ} 23' 04''$  West, 263.85 feet, to a point on a curve;
18. thence continuing along the existing City Limits along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 408.10 feet, and an Arc Length of 248.37 feet;

19. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), South  $62^{\circ} 18' 44''$  West, 78.75 feet, to the center line of 100.00 feet Oakdale Road and an Eastern line of ROSE ACRES NO. 4 ADDITION (230), as per description filed May 2, 1969, as Instrument 15074, Stanislaus County Records;
20. thence continuing along the existing City Limits along an Eastern line of said ADDITION (230), North  $00^{\circ} 26' 46''$  West, 78.73 feet, to the center line of the 140.00 foot Modesto Irrigation District Lateral No. 3;
21. thence leaving the existing City Limits, along the center line of M.I.D. Lateral No. 3, North  $62^{\circ} 18' 44''$  East, 42.71 feet, to a point on a curve;
22. thence continuing along the center line of M.I.D. Lateral No. 3 along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 473.10 feet, and an Arc Length of 291.51 feet;
23. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 23' 04''$  East, 263.85 feet;
24. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 27' 05''$  East, 2064.18 feet;
25. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 19' 00''$  East, 986.29 feet;
26. thence continuing along M.I.D. Lateral No. 3, South  $89^{\circ} 45' 00''$  East, 1651.06 feet;
27. thence leaving the center line of M.I.D. Lateral No. 3, South  $00^{\circ} 14' 00''$  East, 12.17 feet, to the Southeast corner of Section 14;
28. thence along the Northern line of Section 24, North  $89^{\circ} 21' 09''$  East, 5244.78 feet, to the Northeast corner of Section 24;
29. thence along the Eastern line of Section 24, South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the point of beginning, containing 122.655 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-663

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND  
DIRECTING THE FILING OF A NOTICE OF APPROVAL OF ANNEXATION:  
ORANGEBURG-CLAUS NO. 2 ANNEXATION TO THE CITY OF MODESTO.

WHEREAS, on June 26, 1978, the City Council adopted Resolution  
No. 78-662 giving approval to the following annexation: Orangeburg-Claus No. 2  
Annexation to the City of Modesto, and

WHEREAS, the Local Agency Formation Commission of the County of Stanislaus  
approved said annexation on March 29, 1978, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed  
and considered the findings of the County of Stanislaus Environmental Review Committee  
which resulted in a negative declaration in regard to the environmental impact of the  
subject annexation.

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 Approval in regard to  
the environmental impact of the following annexation: Orangeburg-Claus No. 2  
Annexation to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council  
of the City of Modesto held on the 26th day of June, 1978, by Councilmember  
Lang, who moved its adoption, which motion being duly seconded by Councilmember  
Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-664

A RESOLUTION CONTINUING THE HEARING FOR THE PROPOSED ANNEXATION OF UNINHABITED TERRITORY DESIGNATED AS THE IRONS COURT ANNEXATION TO THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto on May 8, 1978, adopted Resolution No. 78-487 setting a hearing on June 26, 1978, at the hour of 7:35 p.m. in the Council Chambers at City Hall, as the time and place fixed for considering the proposed annexation of territory designated as the Irons Court Annexation to the City of Modesto, and

WHEREAS, in said resolution the City Council directed the City Clerk to publish notice of said hearing in two newspapers of general circulation, the Modesto Bee and the Riverbank News, and

WHEREAS, said resolution was duly published in the Modesto Bee in the manner and time prescribed by law, but the notice sent to the Riverbank News was misplaced prior to mailing and was not published in the manner and time prescribed by law, and

WHEREAS, pursuant to Section 35224 of the Government Code of the State of California said hearing may be continued by the Council for not to exceed 60 days from the date specified for the hearing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the hearing which was set for June 26, 1978, at the hour of 7:35 o'clock p.m. in the Council Chambers at City Hall as the time and place fixed for considering the proposed annexation of territory designated as the Irons Court Annexation to the City of Modesto is hereby continued to August 7, 1978, at the hour of 4:00 o'clock p.m. in the Council Chambers at City Hall.

BE IT FURTHER RESOLVED that the City Clerk shall cause a copy of this resolution along with a copy of said Resolution No. 78-487 to be published at least twice, but not oftener than once a week, in the Riverbank News, being a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus. Said publication shall be completed at least fifteen (15) days prior to the date set for the continued hearing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26 day of June, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-665

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAPS 12-3-8 AND 13-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (C. J. RUMBLE AND SONS, INC.)

WHEREAS, on June 26, 1978, the City Council introduced Ordinance No. 1743 C. S. giving approval to a project relating to an amendment to Section Maps 12-3-8 and 13-3-8 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, and Medium Density Residential Zone, R-2, \_\_\_\_\_, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Maps 12-3-8 and 13-3-8 of the Zoning Map to reclassify certain property from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, and Medium Density Residential Zone, R-2,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Elliott, Kullijian, Lang

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-666

A RESOLUTION DENYING THE APPEAL FILED BY DENNIS E. WILSON OF MID VALLEY ENGINEERING ON BEHALF OF C. J. RUMBLE AND SONS, INC. FOR AN AMENDMENT TO SECTION MAPS 12-3-8 AND 13-3-8 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO HIGHWAY FRONTAGE ZONE, H-1, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Sections 12-3-8 and 13-3-8 of the Zoning Map was filed by C. J. Rumble and Sons, Inc. on April 17, 1978, to reclassify from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, property located east of Sisk Road, both north and south of Rumble Road, described as follows:

Rezone R-1 to H-1

All that certain real property situate in a portion of the Northwest quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcel 3 as shown on the Parcel Map, filed in Book 26 of Parcel Maps at page 103, Stanislaus County Records.

Including also the southerly 30 feet of Rumble Road immediately adjacent to said Parcel 3.

Containing 1.68 acres gross, 1.52 acres net.

Rezone R-1 to H-1

ALL that certain real property situate in a portion of the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows;

COMMENCING at the Southwest corner of said Section 12; thence North  $0^{\circ}48'40''$  West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the westerly prolongation of the center line of Rumble Road; thence North  $88^{\circ}45'45''$  East, along said westerly prolongation of the center line of Rumble Road, a distance of 2.52 feet, to the intersection with the center line of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial lines bears North  $86^{\circ}23'04''$  East; thence Northerly along said curve and the center line of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of  $2^{\circ}34'53''$ , to a tangent line; thence North  $1^{\circ}02'03''$  West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North  $69^{\circ}42'07''$  East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et.al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South  $0^{\circ}48'40''$  East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said center line of Rumble Road; thence South  $88^{\circ}45'45''$  West, along said center line of Rumble Road, a distance of 650.54 feet to the point of beginning.

Containing 3.60 acres, 3.10<sup>±</sup> net acres;

and

WHEREAS, after a public hearing held on May 23, 1978, the Planning Commission found and determined as follows:

- 1) A portion of the area proposed for H-1 zoning located north of Rumble Road and west of the northward extension of the H-1 Zone line located south of Rumble Road is required by public necessity, convenience, and general welfare for the following reasons:
  - a) The property fronts upon a major street, Sisk Road.
  - b) The property is bounded on the north, west, and south by commercial zoning.
  
- 2) The remainder of the area proposed by the applicant for H-1 zoning is not required by public necessity, convenience, and general welfare but is instead best suited for R-2 zoning for the following reasons:
  - a) The adopted zoning and development plan for the Chrysler 99 Neighborhood and the General Plan show the property with residential rather than commercial uses.
  - b) The property is sufficiently large to permit its development for residential uses.
  - c) This portion of the subject property does not have access to a major street.

and

WHEREAS, at said public hearing held on May 23, 1978, it was found and determined by the Planning Commission by Resolution No. 78-86 that an amendment to Section 12-3-8 of the Zoning Map to rezone the following described property from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, was required by public necessity, convenience and general welfare for the reasons set forth above.

R-1 to H-1

ALL that certain real property situate in a portion of the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

The Westerly 347.82 feet of the following described property:

COMMENCING at the Southwest corner of said Section 12; thence North  $0^{\circ} 48' 40''$  West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the Westerly prolongation of the center line of Rumble Road; thence North  $88^{\circ} 45' 45''$  East, along said westerly prolongation of the centerline of Rumble Road, a distance of 2.52 feet, to the intersection with the centerline of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North  $86^{\circ} 23' 04''$  East; thence Northerly along said curve and the centerline of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of  $2^{\circ} 34' 53''$ , to a tangent line; thence North  $1^{\circ} 02' 03''$  West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North  $69^{\circ} 42' 07''$  East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et. al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South  $0^{\circ} 48' 40''$  East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said centerline of Rumble Road; thence South  $88^{\circ} 45' 45''$  West, along said centerline of Rumble Road, a distance of 650.54 feet to the point of beginning.

and

WHEREAS, at said public hearing held on May 23, 1978, it was further found and determined by the Planning Commission by Resolution No. 78-86 that an amendment to Section Maps 12-3-8 and 13-3-8 of the Zoning Map to rezone the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, was required by public necessity, convenience and general welfare for the reasons set forth above:

R-1 to R-2

ALL that certain real property situate in a portion of the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

The Easterly 302.72 feet of the following described property:

COMMENCING at the Southwest corner of said Section 12; thence North  $0^{\circ} 48' 40''$  West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the westerly prolongation of the centerline of Rumble Road; thence North  $88^{\circ} 45' 45''$  East, along said westerly prolongation of the centerline of Rumble Road, a distance of 2.52 feet, to the intersection with the centerline of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North  $86^{\circ} 23' 04''$  East; thence Northerly along said curve and the centerline of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of  $2^{\circ} 34' 53''$ , to a tangent line; thence North  $1^{\circ} 02' 03''$  West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North  $69^{\circ} 42' 07''$  East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et. al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South  $0^{\circ} 48' 40''$  East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said centerline of Rumble Road; thence South  $88^{\circ} 45' 45''$  West, along said centerline of Rumble Road, a distance of 650.54 feet to the point of beginning.

AND

ALL that certain real property situate in a portion of the Northwest quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

ALL of Parcel 3 as shown on the Parcel Map, filed in Book 26 of Parcel Maps at Page 103, Stanislaus County Records.

Including also the Southerly 30 feet of Rumble Road immediately adjacent to said Parcel 3,

and

WHEREAS, an appeal was filed with the City Clerk of the City of Modesto by a letter dated May 30, 1978, by Dennis E. Wilson of Mid Valley Engineering on behalf of C. J. Rumble and Sons, Inc. to the decision of the Planning Commission denying the application to reclassify from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, that portion of the applicant's Highway Frontage Zone, H-1, rezoning request for which the Planning Commission recommended Medium Density Residential Zone, R-2, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:35 o'clock p.m. on June 26, 1978, and

WHEREAS, at said meeting the Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Dennis E. Wilson of Mid Valley Engineering on behalf of C. J. Rumble and Sons, Inc., to the decision of the Planning Commission denying rezoning from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, that portion of the Highway Frontage Zone, H-1, rezoning request of the applicant for which the Planning Commission recommended Medium Density Residential Zone, R-2, be denied, for the reasons set forth in Planning Commission Resolution No. 78-86, and quoted above, and that the decision of the Planning Commission denying the requested rezoning is hereby affirmed, and

WHEREAS, the City Council at said Council meeting reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the requested rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Dennis E. Wilson of Mid Valley Engineering on behalf of C. J. Rumble and Sons, Inc. to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 78-86, denying rezoning from Low Density Residential Zone, R-1,

to Highway Frontage Zone, H-1, that portion of the applicant's Highway Frontage Zone, H-1, rezoning request recommended by the Planning Commission for Medium Density Residential Zone, R-2, zoning be denied, and that the decision of the Planning Commission denying the requested rezoning from Low Density Residential Zone, R-1, to Highway Frontage Zone, H-1, be affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dunlap, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: Elliott, Kullijian, Lang
- ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William Pruttko*  
Director of Planning and Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-667

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (187)

WHEREAS, a verified application for an amendment to Section  
31-3-9 of the Zoning Map was filed by Norman J. Winsor  
on March 17, 1978, to  
reclassify from Low Density Residential Zone, R-1  
to Planned-Development Zone, P-D, the following described property:

Parcel 3 as shown on a Parcel Map filed in the office of the County Recorder  
of Stanislaus County on September 19, 1973, in Book 17, page 94 of Parcel  
Maps in the County of Stanislaus, State of California, and being a portion  
of the Southwest one-quarter of Section 31, Township 3 South, Range 9 East.

Including also the Easterly 45 feet of Carpenter Road and the Northerly  
20 feet of Chicago Avenue immediately adjacent to said Parcel 3.

WHEREAS, after a public hearing for a rezoning was held on April 18, 1978, and continued and reset for a rezoning on May 23, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed mobilehome park is located at the intersection of 2 major streets.
2. The proposed mobilehome park will offer an alternate type of housing for residents in this part of Modesto.

WHEREAS, after a public hearing held on June 26, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Norman J. Winsor for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1745 -C.S. on the 26th day of June, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D (187).

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 (187), is hereby approved in accordance with the plan title Westgate Village, a Mobilehome Park, as amended in red on its face, stamped approved by the Planning Commission on May 23, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plan.
2. That prior to the issuance of a building permit for any development, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system. The plan shall cover all common open spaces and the setback areas on Carpenter Road and Chicago Avenue. Landscaping shall include at least one tree of 3/4" caliper planted at the front corner of every mobilehome pad (lot), and one at the rear of each peripheral pad (lot).
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works. Parking shall be prohibited on all driveways as required by the Fire Chief.

6. That the developer shall install 8 on-site fire hydrants and the pipeline system therefore in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed and operable prior to occupancy of the premises.
7. That all trash shall be maintained in individual containers or in fully enclosed common trash areas in locations approved by the Director of Planning and Community Development. If the common trash enclosures are used, they shall be constructed of solid masonry with wooden doors or chainlink gates with slats to be kept closed at all times. If individual containers are used, they shall be maintained screened from view of the driveways or adjacent mobilehome pads.
8. That prior to the issuance of a building permit for any development, the applicant shall dedicate 5 feet along the entire Carpenter Road frontage and shall dedicate 53 feet along the entire Chicago Avenue frontage to achieve a total 93-foot right-of-way for Chicago Avenue. If the applicant obtains written agreement from the Board of Directors of the Modesto Irrigation District to dedicate 10 feet along the M.I.D. Lateral #5 for road widening purposes and/or the M.I.D. proceeds to dedicate this right-of-way, then the applicant shall dedicate 43 feet for widening Chicago Avenue.
9. That prior to the issuance of a building permit for any development, the developer shall submit full street improvement plans prepared by a registered civil engineer for approval by the City Engineer, which improvement plans shall cover the entire Carpenter Road and Chicago Avenue frontage.
10. That the developer shall improve Chicago Avenue and Carpenter Road to City of Modesto major street standards prior to occupancy of the premises or by August 1, 1980, whichever occurs first.
11. That prior to the issuance of a building permit for any development, if all public improvements have not been constructed, the applicant shall file with the City Clerk a cash deposit, savings and loan certificate, surety bond, or other instrument of credit in an amount to be determined by the City Engineer to guarantee installation of all public improvements by August 1, 1980, or prior to occupancy, whichever occurs first.
12. That the developer shall be allowed one sign up to 6 feet high and 12 square feet in area at the main entrance on Carpenter Road, and one sign up to 6 feet high and 12 square feet in area at the secondary entrance on Chicago Avenue. Both signs shall be non-rotating, and shall not be illuminated by lights located within the sign.
13. The developer shall construct a solid 6-foot high fence with masonry pilasters around the entire periphery except that at the developer's option, solid decorative masonry walls are allowed and chain link fencing with wooden slats may bound the north and east property lines. The wall or fence shall be set back 5 feet from the Carpenter Road property line.

14. That all entrance driveway approaches shall be constructed to City of Modesto standards and in accordance with all provisions of the Municipal Code except that the main entrance shall be allowed a double curb cut as shown on the approved plan.
15. That the mobilehome coaches shall be separated by a minimum 20 feet from one another where the rear of the coaches back up to the 10-foot wide landscaped strips indicated on the plan. No individual private fences shall be allowed to encroach into these 20-foot wide corridors. Mobilehome coaches shall be maintained a minimum of 5 feet from the north and east property lines and 5 feet behind the walls or fences along the south and west peripheral fences. Mobilehome coaches shall be maintained 10 feet from private driveways except that the 10-foot setback from the driveway may be reduced to not less than 3 feet to accommodate a larger mobilehome provided that the rear setback is not more nor less than 5 feet.
16. That prior to the issuance of a building permit for any development, the developer shall establish street names for the private streets cleared by the County Planning Department to avoid duplication of names with other developments, both public and private.
17. That all utilities shall be underground including TV reception facilities except that one central radio and TV antenna may be provided with underground wiring to the individual mobilehomes and recreation building.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (187) :

That the construction program shall be accomplished in one phase with construction to begin on or before August 1, 1979, and be completed on or before August 1, 1980.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (187 ) 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 June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William Nichols  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-668

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (NORMAN J. WINSOR)

WHEREAS, on June 26, 1978, the City Council adopted Ordinance No. 1745-C.S. giving approval to a project relating to an amendment to Section Map 31-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D(187)

\_\_\_\_\_ , 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 Section Map 31-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D(187)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES· Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES· Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:

  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-669

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (189) \_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
19-3-9 of the Zoning Map was filed by Ben Cipponeri  
\_\_\_\_\_ on April 12, 1978, to  
reclassify from Neighborhood Commercial Zone, C-1  
\_\_\_\_\_ to Planned-Development Zone, P-D, the following described property:

Parcel A, as per Parcel Map filed July 22, 1966, in Book 2 of Parcel  
Maps, Page 21, Stanislaus County Records; being a portion of the  
Northwest quarter of the Northwest quarter of Section 19, Township  
3 South, Range 9 East, Mount Diablo Base and Meridian.

Containing 1.03 acres net.

WHEREAS, after public hearing held on May 23, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- a. The property is adjacent to a convalescent hospital on the east which is owned by the applicant and the two uses would be compatible.
- b. The three-story building would be adjacent to commercial development on the west and south and would therefore not intrude on privacy of residential development.
- c. The property is adjacent to a large commercial area which would be convenient to elderly residents, many of which do not have motor vehicles for transportation.

WHEREAS, after a public hearing held on June 26, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Ben Cipponeri for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1746 -C.S. on the 26th day of June, 1978, reclassifying the above-described property from Neighborhood Commercial Zone, C-1 to Planned-Development Zone, P-D (189).

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 (189), is hereby approved in accordance with the plan title Proposed Evergreen Gardens, Modesto, California, as amended in red on its face, stamped approved by the Planning Commission on May 23, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the plot plan titled "Proposed Evergreen Gardens, Modesto, California", as amended in red on its face, stamped approved by the Planning Commission on May 23, 1978, and on file in the office of the Director of Planning and Community Development.
2. That a 6-foot high decorative masonry pilaster and grapestake or decorative masonry pilaster and board fence shall be constructed along the north, west, and south property lines as shown on the plot plan.
3. That 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.
4. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system.
5. That all landscaping, fences, and walls, shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
7. That all parking and driveway areas shall be improved and maintained in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.

8. That all trash shall be maintained in the building or in a fully enclosed trash area in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major building or of decorative masonry as determined by the Director of Planning and Community Development.
9. That all signs shall be limited to the sign regulations of the R-3 zone.
10. That all storm drainage shall be disposed of on-site.
11. That the structure shall be provided with an automatic fire extinguishing system meeting the requirements of the Fire Chief.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (189) :

That the construction project be accomplished in one phase. Construction shall commence on or before September 1, 1980, and be completed not later than September 1, 1981.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (189) 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 June, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William J. Donohoe  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-670

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 19-3-9 OF THE  
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (BEN  
CIPPONERI)

WHEREAS, on June 26, 1978, the City Council  
adopted Ordinance No. 1746-C.S. giving approval to a project  
relating to an amendment to Section Map 19-3-9 of the Zoning Map to rezone  
certain property from Neighborhood Commercial Zone, C-1 to Planned  
Development Zone, P-D(189)

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting  
it reviewed and considered the findings of the City of Modesto Environ-  
mental Assessment Committee which resulted in a negative declaration,  
in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the Director of Planning and Community Development of the  
City of Modesto is hereby directed to file or cause to be filed with the  
Stanislaus County Clerk a Notice of Determination in regard to the  
environmental impact of the subject project relating to an amendment to  
Section Map 19-3-9 of the Zoning Map to rezone certain property from  
Neighborhood Commercial Zone, C-1 to Planned Development Zone, P-D(189)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyze  
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-671

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING CERTAIN PROPERTY LOCATED THEREON. ( JOHN AND MARCELLA HANSON)

WHEREAS, on June 26, 1978, the City Council introduced Ordinance No. 1747 -C.S giving approval to a project relating to an amendment to Section Map 22-3-9 of the Zoning Map to prezone certain property to Professional Office Zone, P-O

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 22-3-9 of the Zoning Map to prezone certain property to Professional Office Zone, P-O

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-672

A RESOLUTION APPROVING THE REQUEST OF CERTIFIED TRANSPORTATION, INC. FOR REFUND OF BUSINESS LICENSE TAX PAID IN THE AMOUNT OF \$2,629.21

BE IT RESOLVED by the Council of the City of Modesto that the request of Certified Transportation Inc. for refund of \$2,629.21 for Business License Tax paid 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 June, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Dunlap , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-673**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPLICATION FOR FEDERAL TRANSIT OPERATING ASSISTANCE GRANT OF \$343,665 FOR FISCAL YEAR 1978-79**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that August 14, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an application for Federal Transit Operating Assistance Grant of \$343,665 for Fiscal Year 1978-79.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 674

A RESOLUTION GRANTING APPROVALS TO THE  
MODESTO JAYCEES FOR A "PICNIC IN THE PARK"  
AND A PARADE AND FIREWORKS DISPLAY TO  
CELEBRATE JULY 4, 1978 IN THE CITY OF MODESTO,  
SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Modesto Jaycees (hereinafter referred to as the  
Jaycees) has filed requests with the City Council for permission to use Enslin  
Park and Graceada Park for a "Picnic in the Park" as part of its July 4th celebration,  
and

WHEREAS, said Jaycees has also filed requests relating to its  
parade and fireworks in connection with its July 4th celebration, and

WHEREAS, the Council deems it appropriate to grant approvals to  
the Jaycees relating to its July 4th celebration, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City  
of Modesto that it does hereby approve the following, subject to the conditions  
set forth, relating to the Jaycees' 1978 July 4th "Picnic in the Park":

1. The Jaycees may use Enslin Park and Graceada Park on Monday,  
July 3, 1978 and Tuesday, July 4, 1978 for a "Picnic in the Park".

2. The streets of Sycamore from Needham to Morris, Park from  
Needham to Morris, Stoddard from Sycamore to Park, and Enslin from Stoddard  
to Morris may be closed to all traffic except emergency vehicles on Tuesday,  
July 4, 1978, subject to the approval of the Chief of Police of the City of Modesto.  
The Jaycees shall furnish their own street barricades for the closing of the  
streets approved by the Chief of Police.

3. The City of Modesto will provide eight (8) chemical toilets  
for the "Picnic in the Park" on Tuesday, July 4, 1978.

4. All necessary licenses and permits must be obtained by each person or organization conducting an activity in either Enslin Park or Graceada Park as part of the "Picnic in the Park".

5. The Committee may charge a registration fee, in an amount not to exceed Twenty and no/100ths (\$20.00) Dollars, from any person or organization conducting an activity in either Enslin Park or Graceada Park.

6. In the event of any disagreement over the right of any person or organization to use either Enslin Park or Graceada Park, the City's Director of Parks and Recreation shall have the right to make the final determination.

7. The Jaycees shall remove any excess trash and debris from both Enslin Park and Graceada Park which is generated as a result of the "Picnic in the Park". The removal of said excess trash and debris by the Jaycees shall be completed by Wednesday, July 5, 1978, at 12:00 o'clock noon.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it does hereby approve the following, subject to the conditions set forth, relating to the Modesto Jaycees' 1978 July 4th parade and fireworks display:

1. "I" Street, between 11th and 12th Streets will be barricaded between 9:30 A. M. and 3:30 P. M. on Tuesday, July 4, 1978.

2. The City's reviewing stand with canvas top will be placed on "I" Street close to the cannon in the Courthouse Park by City personnel on Monday, July 3, 1978, for use for the parade on Tuesday, July 4, 1978.

3. The Jaycees are granted permission to use a public address system at the reviewing stand. Said public address system to be furnished by the Jaycees.

4. The Jaycees are granted permission to use Del Webb Field for entertainment and display of fireworks on the evening of July 4, 1978, subject to the following conditions:

(a) That the weather conditions will not create any fire hazard to the surrounding area;

(b) That the Jaycees assume the responsibility for cleaning Del Webb Field and adjacent areas after their use;

(c) That the City be reimbursed for any damages which may occur to Del Webb Field and City's two (2) adjacent golf courses;

(d) That arrangements be cleared by the Director of Parks and Recreation and the Chief of Police.

(e) That the fire works display be conducted according to the requirements of the Fire Chief of the City of Modesto as set forth in the memorandum from the Fire Chief to the City Manager dated April 21, 1978, a copy of which is attached hereto marked Exhibit "A" and made a part hereof as though set forth in full herein.

5. The following parade route, used in 1977, is approved as the parade route to be used in 1978, subject to approval of the Chief of Police and Director of Parking and Traffic: Starting at 10th and F Streets; north on 10th to J Street; east on J Street to 11th; south on 11th to I Street; east on I Street to 15th Street; then dismantle.

6. The City will supply a standby fire truck for the fireworks display.

7. The City will supply two street sweepers for the parade.

8. The City will pay the Jaycees a total of Two Thousand, Five Hundred and no/100ths (\$2,500.00) Dollars to help defray some of the Jaycees' expenses such as insurance, postage, etc.

BE IT FURTHER RESOLVED that the following conditions shall apply to the requests of the Modesto Jaycees relating to their "Picnic in the Park", parade and fireworks:

1. The City of Modesto shall indemnify and hold harmless the Modesto Jaycees 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 ordinary and customary public use of City property and facilities, or which may arise out of the negligent acts or omissions of any officer, agent, or employee of the City of Modesto.

2. The Modesto Jaycees 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 Jaycees' use of Enslin and Graceada Parks and the streets and areas adjacent thereto and the use of Del Webb Field and the streets and areas adjacent thereto.

3. The Jaycees shall furnish to the City Clerk of City current and valid certificates of insurance evidencing Public Liability and Property Damage insurance as shall protect the Jaycees and its agents and employees from claims for damages for bodily injury and property damage which may arise out of the Jaycees' use of Enslin and Graceada Parks and the streets adjacent thereto and the use of Del Webb Field and the areas adjacent thereto.

The amounts of public liability insurance shall be as follows:

Public Liability Insurance in an amount not less than One Hundred Thousand and no/100ths (\$100,000.00) Dollars as the result of any one occurrence because of bodily injury, sickness, and disease including death therefrom (hereafter called "bodily injury") sustained by any one person; and Five Hundred Thousand and no/100ths (\$500,000.00) Dollars as the result of one or more occurrences because of "bodily injury", and insurance in an amount not less than One Hundred Thousand and no/100ths (\$100,000.00) Dollars as the result of any one or all occurrences

for property damage.

The Jaycees' liability policies, and the valid certificates of insurance which are to be furnished to City Clerk of City, shall contain contractual liability provisions stating that the policies are extended to cover the liability assumed by the Jaycees under the terms of this resolution, and the liability policies, and the certificates of insurance to be furnished to City, shall not permit cancellation of said insurance unless ten (10) days prior written notice is furnished to the City Clerk of the City of Modesto.

BE IT FURTHER RESOLVED that the Council hereby approves an appropriation transfer in the amount of Five Hundred and no/100ths (\$500.00) Dollars from Account 60, Department 80, Fund 101, General Reserve, to Department 610, Fund 101, General Reserve, 4th of July Celebration.

BE IT FURTHER RESOLVED that the City Clerk shall furnish the Modesto Jaycees with a copy of this resolution. The Jaycees shall file a written acceptance of this resolution with the City Clerk, and no right shall be conferred hereby until said acceptance is filed.

BE IT FURTHER RESOLVED that Resolution No. 78-412 adopted by the City Council on April 24, 1978, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by

Councilmember Lang, who moved its adoption, which motion being  
duly seconded by Councilmember Dunlap, was upon roll call carried  
and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

April 21, 1973

City Manager

Fire Chief

Fireworks Display - July 4, 1973 - Del Webb Field

Pursuant to the provisions of Section 12645 of the Health and Safety Code of the State of California, I recommend a permit be granted with City Council approval as provided for in Section 12646 of the Health and Safety Code for the public display of fireworks to be conducted by the 4th of July Celebration Committee at Del Webb Field, July 4, 1973.

I recommend the permittee be required to provide the following safety measures as a condition for conducting the fireworks display.

- 1) The pyrotechnic operator shall be currently licensed by the State Fire Marshal.
- 2) Patrol personnel be provided to prevent the unlawful and dangerous discharge of legal and illegal fireworks on the Municipal Golf Course and on the Del Webb Field property by the general public.
- 3) Patrol personnel be provided to control the vehicular traffic and parking during the arrival and departure of the citizens attending the display.
- 4) Holmsto Fire Department be authorized to provide fire patrol services in the fallout area utilizing six off-duty Fire Department personnel and two reserve engine companies.
- 5) Discharge of fireworks to be permitted only upon the approval of the Fire Marshal who will inspect the area prior to the actual discharging and will determine if compliance has been made with required safety regulations and the wind velocity is not exceeding the knots considered safe for this display.
- 6) The downrange area be barricaded and patrolled to prevent injury to spectators due to fallout of rocket components and short ground bursts.

R. Bruce Simons

RBS:alw

EXHIBIT "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-675

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND FLORENE A. THORNTON FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1530 QUEENS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Florene Thornton for sewer service to property outside City limits at 1530 Queens Avenue, located on the east side of Queens Avenue, north of E. Coolidge be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 June, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-676

A RESOLUTION APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF MODESTO AND THE MODESTO CITY EMPLOYEES' ASSOCIATION AND AUTHORIZING STAFF TO IMPLEMENT THE PROVISIONS THEREOF

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the memorandum of understanding between the City of Modesto and Modesto City Employees' Association for withdrawal from the Social Security System effective July 1, 1978, and benefits to be implemented in lieu of Social Security, be and it is hereby approved.

BE IT FURTHER RESOLVED that the implementation of said memorandum of understanding by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-677

A RESOLUTION AUTHORIZING OBTAINING WORKERS' COMPENSATION INSURANCE FROM EMPLOYERS' REINSURANCE CORPORATION AND PURITAN INSURANCE COMPANY

BE IT RESOLVED by the Council of the City of Modesto that City of Modesto insurance broker, Giddings, Corby, Hynes, Inc., is hereby authorized to enter into an agreement, on behalf of the City of Modesto, with Employers' Reinsurance Corporation and Puritan Insurance Company for workers' compensation with a self-insured retention in the amount of \$250,000 with \$5,000,000 excess limit for fiscal year 1978-79.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

THERE IS NO RES. 78-678

THERE IS NO RES. 78-679

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-680

A RESOLUTION ESTABLISHING PROCEDURE FOR PAYMENT  
OF UNIFORM ALLOWANCE FOR POLICE DEPARTMENT  
PERSONNEL.

WHEREAS, it is in the City's interest to provide separately from regular salary a reasonable reimbursement for the maintenance of uniforms required in the Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. UNIFORM ALLOWANCE. Sworn police personnel below the rank of Chief of Police shall be paid Twenty-Two and 50/100ths (\$22.50) Dollars per calendar month of service, as a uniform allowance, said sum to be paid quarterly at the end of March, June, September and December each year.

Persons classified as Animal Control Officer shall be paid Ten and no/100ths (\$10.00) Dollars per calendar month of service, as a uniform allowance, said sum to be paid as stated in Paragraph 1 of this section.

No uniform allowance shall be paid to Police Department personnel during the first six (6) months of city service, but said allowance shall be withheld and shall accrue to the benefit of said employee to be paid at the end of the second regular full quarter, provided, however, that no payment shall be made to Police Department personnel who terminate employment prior to or at the end of the first six (6) months of service.

For the purpose of computing the above allowances, one-half (1/2) or less of a month shall not be counted.

SECTION 2. The Chief of Police shall submit a signed report to the Director of Finance at the end of each calendar quarter showing, by the month, the names of department personnel eligible to receive the uniform maintenance allowance.

SECTION 3. Uniform allowance shall not accrue to persons not specifically included in this resolution.

SECTION 4. The City Manager is authorized to establish rules for the equitable administration of this allowance.

SECTION 5. This resolution shall become effective on and after July 1, 1978.

SECTION 6. Resolution No. 77-662 adopted on June 20, 1977, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-681

A RESOLUTION APPROVING THE FINAL MAP OF THE  
SCENIC COURT ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Robert Ford & Assoc., Inc., a California corporation

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is (~~XXX~~) possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 4.225 acres, known as the Scenic Court Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 20th day of December, 1977, 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 Scenic Court Estates Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-682

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LAND IMPROVEMENT SERVICES, INC.)

WHEREAS, on June 26, 1978, the City Council adopted Ordinance No. 1744-C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1 to Medium Density Residential Zone, R-2

\_\_\_\_\_ , and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 21-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1 to Medium Density Residential Zone, R-2

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES· Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES· Councilmembers· None

ABSENT: Councilmembers: None

ATTEST· Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-683

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF FRANK CANTELE AS A MEMBER OF THE DOWNTOWN IMPROVEMENT DISTRICT ADVISORY BOARD, EFFECTIVE IMMEDIATELY

WHEREAS, Frank Cantele was appointed as a member of the Downtown Improvement District Advisory Board on July 7, 1969; and

WHEREAS, Frank Cantele has tendered his resignation as a member of the Downtown Improvement District Advisory Board, effective immediately; and

WHEREAS, Frank Cantele has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Frank Cantele as a member of the Downtown Improvement District Advisory Board is hereby accepted with regret:

BE IT FURTHER RESOLVED that the Council, on its own behalf, and on behalf of the Citizens of Modesto, hereby expresses its sincere appreciation to Frank Cantele 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 July, 1972, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-684**

**A RESOLUTION ACCEPTING THE BID OF PAC POWER FOR THE PURCHASE OF ONE  
DIGGER-DERRICK TRUCK**

**WHEREAS, Resolution No. 78-414 , adopted by the Council of the  
City of Modesto on April 24, 1978 , approved the plans and speci-  
fications for the purchase of one digger-derrick truck**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the purchase of one digger-derrick  
truck**

**were opened at 2:15 p.m. on May 23, 1978, 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 Pac Power in the amount of \$63,081.30**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Pac Power in the amount of \$63,081.30**

**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 3rd day of July,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-685**

**A RESOLUTION ACCEPTING THE BID OF G & W FORD FOR THE PURCHASE OF ONE  
3/4 TON PICKUP**

**WHEREAS, Resolution No. 78-596 , adopted by the Council of the  
City of Modesto on June 12, 1978 , approved the plans and speci-  
fications for the purchase of one 3/4 ton step-side pickup**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the purchase of one 3/4 ton  
step-side pickup  
were opened at 2:00 p.m. on June 27, 1978, 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 G & W Ford in the amount of \$4,998.59  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of G & W Ford in the amount of \$4,998.59  
be accepted and the execution of a contract for the completion of the  
project by the City's designated officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 3rd day of July,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-686

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$4,999.00 FROM THE GENERAL RESERVE SEWER SERVICE FUND TO THE SEWER SERVICE CAPITAL OUTLAY ACCOUNT FOR LIGHT-UTILITY PICKUP

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Account 60-800-212 (General Reserve Sewer Service Fund)	\$4,999.00
TO:	Account 5668 - 212 (Capital Outlay)	\$4,999.00

Funds were budgeted for the 1977/78 FY; requirements for bidding caused the project to extend into the 1978/79 FY. No carryover of funds was in effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-687

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CURB AND GUTTER ON BRIGGSMORE AVENUE FROM PRESCOTT ROAD TO TULLY ROAD AS COMPLETE

WHEREAS, a report has been filed by the Director of Public Works that the construction of curb and gutter on Briggsmore Avenue from Prescott Road to Tully Road has been completed by M.J. Ruddy and Sons

in accordance with the contract agreement dated April 24, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of curb and gutter on Briggsmore Ave. from Prescott Rd. to Tully Rd. be accepted from said contractor, M.J. Ruddy and Sons

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$53,775.90 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 July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-688

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (YVONNE ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on May 15, 1978, duly adopted Resolution No. 78-506 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 177 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, July 3, 1978, at the hour of 4:00 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 177 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 177 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 177, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 177, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1973, by Councilmember Mensing,

who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]  
Public Works Department

YVONNE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the point common to the Southwest corner of KAZMIR COURT ADDITION (245), as per description filed December 1, 1969 as Instrument 39361, Stanislaus County Records, and the Northwest corner of MINENI MANOR ADDITION (63), as per description filed July 26, 1955 as Instrument 21227, Stanislaus County Records;

1. thence along the existing City Limits and the Western line of said ADDITION (63), South  $0^{\circ} 27' 00''$  East, 577.33 feet to a point common to the Northwest corner of BELLENITA ADDITION (169), as per description filed October 19, 1964 as Instrument 41437, Stanislaus County Records, and the Northeast corner of WEST VIEW GARDENS ADDITION (189), as per description filed May 12, 1966 as Instrument 17050, Stanislaus County Records;
2. thence continuing along the existing City Limits and the Northern line of said ADDITION (189), South  $89^{\circ} 24' 00''$  West, 485.50 feet;
3. thence leaving the existing City Limits, North  $0^{\circ} 27' 00''$  West, 515.83 feet to the center line of a 30.00 foot ditch;
4. thence along the center line of said ditch, North  $82^{\circ} 11' 00''$  East, 489.54 feet, to the point of beginning, containing 6.092 acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on July 3, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilman Mensinger, seconded by Councilman Elliott, and adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

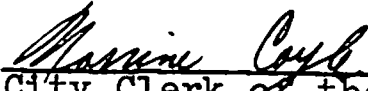
NOES: Councilmen: None

ABSENT: Councilmen: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: July 5, 1978

  
Norrine Coyle  
City Clerk of the City of Modesto,  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-689

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ANTHONY J. CANNIZZARO)

WHEREAS, on July 3, 1978, the City Council adopted Ordinance No. 1749-C.S. giving approval to a project relating to an amendment to Section Map 18-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 18-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1 to Medium Density Residential Zone, R-2

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES· Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES· Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST· *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-690

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (190).

WHEREAS, a verified application for an amendment to Section  
32-3-9 of the Zoning Map was filed by Stan Cushway  
on April 21, 1978, to  
reclassify from General Commercial Zone, C-2  
to Planned-Development Zone, P-D, the following described property:

All that portion of the northeast one-quarter of Section 32, Township  
3 South, Range 9 East, of the Mount Diablo Base and Meridian described  
as follows:

All of lots 25, 26, 27, 28, 29, 30, 31, 32 in Block 32 in the City of  
Modesto and the northeasterly 40 feet of 6th Street, all being immediately  
adjacent to the southwesterly property line of the above said lots.

Including also the southeasterly 40 feet of "H" Street immediately  
adjacent to the above described property.

WHEREAS, after public hearing held on May 23, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The project will upgrade an older mixed commercial-industrial downtown area.
2. The architectural design of the structures will match the architecture of the existing adjacent furniture showroom.

WHEREAS, after a public hearing held on July 3, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Stan Cushway for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1750 -C.S. on the 3rd day of July, 1978, reclassifying the above-described property from General Commercial Zone, C-2 to Planned-Development Zone, P-D (190).

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 (190), is hereby approved in accordance with the plan title Proposed P-D Zoning Request for Majestic Furniture Amended, as amended in red on its face, stamped approved by the Planning Commission on May 23, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That the applicant submit a revised plot plan clarifying Phases 1 and 2 and showing the interim uses and buildings on the property during Phase 1. All development shall be in accordance with this revised plot plan, as amended in red on its face, stamped approved by the Planning Commission on May 23, 1978, and on file in the office of the Department of Planning and Community Development.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system. Screen landscaping shall be installed along the south property line.
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.

6. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or of decorative masonry as determined by the Director of Planning and Community Development.
7. That all outdoor lighting within the P-D Zone shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
8. That all signs shall comply with the sign requirements of the C-2 Zone.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D

(190) :

That the interim outside display and sale of garden furniture and accessories shall be limited to a period ending August 1, 1982.

That Phase I construction shall be commenced by August 1, 1979 and be completed by August 1, 1980.

That Phase II construction shall be commenced by August 1, 1982 and be completed by August 1, 1983.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (190\_\_ ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William Proebels  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-691

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 32-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (STAN CUSHWAY)

WHEREAS, on July 3, 1978, the City Council adopted Ordinance No. 1750-C.S. giving approval to a project relating to an amendment to Section Map 32-3-9 of the Zoning Map to rezone certain property from General Commercial Zone, C-2 to Planned-Development Zone, P-D(190)

\_\_\_\_\_ , and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 32-3-9 of the Zoning Map to rezone certain property from General Commercial Zone, C-2 to Planned Development Zone, P-D(190)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES· Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES· Councilmembers· None

ABSENT: Councilmembers: None

ATTEST·

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-692

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (191).

WHEREAS, a verified application for an amendment to Section  
12-3-8 of the Zoning Map was filed by Sanders Construction  
Company on April 17, 1978, to  
reclassify from Planned Development Zone, P-D(154) and Planned Development Zone,  
P-D(157) to Planned Development Zone, P-D, the following described property:

P-D(154) to New P-D(191)

Parcel 1

All that portion of the Northwest quarter of the Southwest quarter of  
Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian,  
described as follows, to-wit:

COMMENCING at the quarter section corner between Sections 11 and 12, above  
Township and Range, and being in the center of a 50 foot County Road (Dale  
Road); thence South  $0^{\circ} 48'$  East 1245.25 feet along the said Section line to the  
true point of beginning of this description; thence North  $89^{\circ} 12'$  East 272.25  
feet; thence North  $0^{\circ} 48'$  West 80.0 feet; thence North  $89^{\circ} 12'$  East 134.75 feet;  
thence South  $0^{\circ} 48'$  East 163.40 feet to the North boundary line of Lateral No. 7  
of the Modesto Irrigation District; thence along the said North boundary line of  
Lateral No. 7 the following three courses and distances: South  $85^{\circ} 23'$  West  
135.35 feet; South  $89^{\circ} 15'$  West 100.5 feet; North  $86^{\circ} 37'$  West 172.00 feet to the  
section line between Sections 11 and 12, above Township and Range; thence North  
 $0^{\circ} 48'$  West along the said section line 80.0 feet to the true point of beginning  
of this description.

Parcel 2

COMMENCING at the quarter section corner between Sections 11 and 12, above township and range and being in the center of a 50 foot County Road (Dale Road); thence South  $0^{\circ} 48'$  East 1165.25 feet along the section line to the true point of beginning of this description; thence North  $89^{\circ} 12'$  East 272.25 feet; thence South  $0^{\circ} 48'$  East 80.0 feet; thence South  $89^{\circ} 12'$  West 272.25 feet to the said Section line; thence North  $0^{\circ} 48'$  West 80.0 feet along the section line to the true point of beginning.

The above said Parcels being also described as a portion of Lot 4 of the McKinney Colony according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 21, 1903, in Volume 1 of Maps, page 37.

P-D(157) to P-D(191)

All that certain real property situate in a portion of the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the West quarter section corner of said Section 12, said corner being at the intersection of the center line of Veneman Avenue and the center line of Dale Road; thence South  $0^{\circ} 48' 40''$  East along the West line of said Section 12, a distance of 431.00 feet to the Point of Beginning; Thence North  $89^{\circ} 11' 20''$  East 549.99 feet; thence South  $0^{\circ} 48' 40''$  East 837.64 feet to the Northerly right-of-way line on Modesto Irrigation District Lateral No. 7; thence South  $85^{\circ} 17' 10''$  West along said Northerly right-of-way line a distance of 143.32 feet; thence North  $0^{\circ} 48' 40''$  West 163.14 feet; thence South  $89^{\circ} 11' 20''$  West 407.00 feet to aforementioned West line of Section 12; thence North  $0^{\circ} 48' 40''$  West along said West line a distance of 734.25 feet to the point of beginning. Containing 9.79 acres.

WHEREAS, after public hearing held on May 23, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. A revised plot plan for the areas encompassed by the current P-D(154) and P-D(157) provides for a superior development than is the case with the original P-D plot plan.
2. The new P-D Zone will permit less building square footage than did P-D(154) and P-D(157) together.

WHEREAS, after a public hearing held on July 3, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Sanders Construction Company for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1751 -C.S. on the 3rd day of July, 1978, reclassifying the above-described property from Planned Development Zone, P-D (154) and Planned Development Zone, P-D(157) to Planned-Development Zone, P-D (191).

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 (191), is hereby approved in accordance with the plan title "Commercial Complex, Dale Road, Modesto, California" \_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on May 23, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plan.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant for approval by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with said plans. Irrigation shall be by underground sprinkler system. Said plans may be submitted and approved in the same phases as development occurs. Screen landscaping shall be installed adjacent to the 8-foot high decorative masonry wall located on the easterly property line as shown in red on the approved plot plan.
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards, including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.
6. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or of solid decorative masonry as determined by the Director of Planning and Community Development.
7. That all signs shall comply with the sign requirements of the H-1 Zone.
8. That a solid 8-foot decorative masonry wall shall be constructed as indicated in red on the plot plan along the entire east property line, and a 6-foot decorative masonry wall shall be constructed along the entire south property line.
9. That all outdoor lighting within the P-D Zone shall be shielded from adjacent residential areas in accordance with the requirements of the City Engineer.

10. That the applicant shall install five on-site fire hydrants and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed and operable prior to occupancy of the premises, one hydrant on the Firestone site, and four hydrants on the balance of the property.
11. That accessways for onsite traffic circulation for the benefit of all the property shall be kept open and maintained as shown in red on the subject plot plan.

The following conditions shall apply solely to that portion of the project being developed by the Firestone Tire and Rubber Company:

12. That the developer shall dedicate 25 feet of right-of-way for the widening of Dale Road and shall dedicate a 10-foot wide public utility easement adjacent to the new right-of-way line on Dale Road.
13. That the developer shall improve the property's Dale Road frontage to major street standards.
14. That all public improvements shall be installed prior to occupancy of any structures on the premises or by May 1, 1979, whichever occurs first.
15. That prior to the issuance of a building permit, if all required public improvements have not been installed, a cash deposit, savings and loan certificate, surety bond or other instrument of credit in an amount to be determined by the City Engineer shall be filed with the City Clerk to guarantee installation of public improvements by May 1, 1979, or prior to occupancy, whichever occurs first.
16. That prior to issuance of a building permit, the developer shall pay the City of Modesto for the planting of 4 street trees at the prevailing rate.
17. That street improvement plans for the required street improvements prepared by a registered civil engineer shall be submitted to the City Engineer for approval.
18. That prior to the occupancy of any structures on the premises, the developer shall pay to the City of Modesto the cost of installation of traffic signals to be located at the intersection of Dale Road and Braden Avenue.

The following conditions shall apply solely to that portion of the project being developed by the Sanders Construction Company:

19. That prior to the occupancy of any structures on the premises, the developer shall pay to the City of Modesto the cost of modification of the existing traffic signal at the intersection of Dale Road and the middle curb cut of the subject property in order that said traffic signal may serve the subject property.
20. That prior to the occupancy of any structures on the premises, the developer shall pay to the City of Modesto the cost of modification of the existing traffic signal at the intersection of Dale Road and the middle curb cut of the subject property in order that said traffic signal may serve the subject property.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (191) :

That the construction project be accomplished in two phases as follows:

Phase I shall include the entire commercial area except for the Firestone Tire and Rubber Company structure on the Dale Road frontage with construction to be commenced by October 1, 1978, and be completed by October 1, 1981.

Phase II shall include the Firestone Tire and Rubber Company structure on the Dale Road frontage with construction to be commenced by May 1, 1979, and be completed by May 1, 1980.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (191\_\_ ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1973, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William Prichard  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-693

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON, ( SANDERS CONSTRUCTION COMPANY)

WHEREAS, on July 3, 1978, the City Council introduced Ordinance No. 1751-C.S. giving approval to a project relating to an amendment to Section Map 12-3-8 of the Zoning Map to rezone certain property from Planned Development Zone, P-D(154) and Planned Development Zone, P-D (157) to Planned Development Zone, P-D(191)

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 12-3-8 of the Zoning Map to rezone certain property from Planned Development Zone, P-D(154) and Planned Development Zone, P-D(157) to Planned Development Zone, P-D(191)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-694

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE: P-D (188).

WHEREAS, a verified application for an amendment to Section  
2-3-8 of the Zoning Map was filed by Invest West Financial  
Corporation on April 17, 1978, to  
reclassify from Low Density Residential Zone, R-1  
to Planned-Development Zone, P-D, the following described property:

The south one-half of the southeast quarter of the southeast quarter of  
Section 2, Township 3 South, Range 8 East, Mount Diablo Base and  
Meridian, in the County of Stanislaus, State of California.

WHEREAS, after public hearing held on May 23, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- a. 278 dwelling units represent only a slight increase above the density set forth by the adopted zoning and development plan for the subject property.
- b. The Planned Development provides for adequate open space and parking for the project.

WHEREAS, after a public hearing held on July 3, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Invest West Financial Corporation for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1752 -C.S. on the 3rd day of July, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D (188).

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 (188), is hereby approved in accordance with the plan title Dale Road Complex, Modesto, California, as amended in red on its face, stamped approved by the Planning Commission on May 23, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plan.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant for approval by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with said plans. Irrigation shall be by underground sprinkler system.
3. That the developer shall install 6 onsite fire hydrants in accordance with the specifications of the Fire Chief prior to construction of any structures.
4. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. The drainage facilities for the parking areas shall be approved by the Director of Public Works.
5. That all landscaping, fences, and walls shall be maintained and that the premises shall be kept free of weeds, trash, and other debris.
6. That the development shall be connected to the City water and sanitary sewer facilities in accordance with the requirements of the Director of Public Works.
7. That all utilities shall be underground including TV reception facilities. No antennae shall be permitted.
8. That prior to the recording of a final subdivision map for any development in the westerly 740 feet of the project, the developer shall submit evidence, satisfactory to the City Attorney, that there has been created a homeowners association to guarantee improvement and maintenance of the recreation building and surrounding pool area in Phase III of the project.

9. That any signs to be located on the Dale Road frontage of the project shall comply with the sign regulations of the R-3 zone. Signs in the remainder of the project shall comply with the sign regulations of the R-2 zone.
10. That building plans for the project shall indicate a standard detail for adequate storage for garbage and garden refuse. Said storage areas shall be screened from view from any public street and shall be subject to approval by the Director of Planning and Community Development
11. That all outdoor lighting shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
12. That the developer shall construct a 6-foot high decorative masonry pilaster and wood fence along the westerly 300 feet of the project's north property line.
13. That the developer shall provide a minimum 95-foot diameter turnaround at the end of the vehicular accessway at the northwest corner of Phase III of the project as shown in red on the approved plot plan or otherwise satisfy the Fire Chief that adequate emergency access has been provided.
14. That all exterior walls of the recreation building located in Phase II of the project shall be located within 150 feet of a vehicular accessway or the structure shall be provided with an automatic fire extinguishing system.
15. That the Dale Road frontage of the project shall be dedicated and improved to City of Modesto major street standards.
16. That the Snyder Road and Honey Creek Road frontages of the project shall be dedicated and improved to a minimum 40-foot City of Modesto collector street standard.
17. That all residential streets shall be dedicated and improved to City of Modesto Subdivision Standards.
18. That all street dedications shall be made upon demand by the City of Modesto.
19. That improvements plans for the public improvements shall be prepared by a registered civil engineer and submitted to the City Engineer and the Modesto Irrigation District for approval.
20. That public utility easements shall be dedicated as required by the utility companies serving the project.

21. That street barricades shall be constructed at the end of all deadend streets as required by the City Engineer pursuant to improvement plans.
22. That prior to the issuance of a building permit, the developer shall pay the City of Modesto the cost of planting 55 street trees.
23. That the developer shall dedicate to the City of Modesto a 3-foot wide planting easement along the frontages of Dale, Snyder, and Honey Creek Roads.
24. That the required public street improvements shall be installed prior to the occupancy of any structures on the premises, or by August 31, 1984, whichever occurs first.
25. That prior to the issuance of a building permit, if the required public street improvements have not been installed, a cash deposit, savings and loan certificate, surety bond, or other instrument of credit in an amount to be determined by the City Engineer, shall be filed with the City Clerk to guarantee installation of public improvements by August 31, 1984, or prior to occupancy, whichever occurs first.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (188) :

That the construction project be accomplished in three phases as follows:

Phase I to include 72 dwelling units with construction to commence on or before September 1, 1980, and be completed not later than August 31, 1981.

Phase II to include 84 dwelling units with construction to commence on or before September 1, 1981, and be completed not later than August 31, 1982.

Phase III to include 122 dwelling units with construction to commence on or before September 1, 1982, and be completed not later than August 31, 1984.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (188\_\_ ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1973, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

APPROVED AS TO DESCRIPTION:

By William Bricks  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-695

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 2-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (INVEST WEST FINANCIAL CORP.)

WHEREAS, on July 3, 1978, the City Council adopted Ordinance No. 1752-C.S. giving approval to a project relating to an amendment to Section Map 2-3-8 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D(188), and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 2-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D(188)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 696

A RESOLUTION APPROVING A COOPERATION AGREEMENT WITH THE HOUSING AUTHORITY OF STANISLAUS COUNTY REGARDING THE DEVELOPMENT, CONSTRUCTION AND OWNERSHIP OF LOW-RENT HOUSING IN THE CITY OF MODESTO

WHEREAS, it is the policy of the City of Modesto to eliminate substandard and other inadequate housing, to prevent the spread of slums and blight, and to realize as soon as feasible the goal of decent homes in a suitable living environment for all of its citizens; and

WHEREAS, under the provisions of the United States Housing Act of 1937, as amended, the Housing Assistance Administration is authorized to provide financial assistance to local public housing agencies for undertaking and carrying out the development and operation of a low-rent housing that will assist in meeting this goal; and

WHEREAS, the Housing Authority of the County of Stanislaus has undertaken the establishment of low rent housing in the City of Modesto and the Modesto Elementary School District and proposes to establish not to exceed three hundred (300) dwelling units; and

WHEREAS, on June 6, 1972, the voters of such area, by a majority vote, did approve such housing in accordance with the ARTICLE XXXIV of the Constitution of the State of California; and

WHEREAS, Section 34313 of the California Health and Safety Code, as amended, provides that no low-rent housing shall be developed, constructed or owned by the local public housing agency until the governing body of the City of Modesto has, by resolution, approved such project; and

WHEREAS, pursuant to provisions of the United States Housing Act of 1937, as amended, it is necessary that the City of Modesto enter into a Cooperation Agreement with the Housing Authority of Stanislaus County (hereinafter referred to as the "Local Authority") providing for local cooperation in connection with such low-rent housing; and

WHEREAS, pursuant to and in compliance with the provisions of Section 34518 of the California Health and Safety Code, the City Council of the City of Modesto did on the 12th day of June, 1978, adopt a resolution giving notice of a public hearing to be held on the 3rd day of July, 1978, before the City Council for the purpose of giving all interested persons an opportunity to be heard as to whether such Cooperation Agreement should be entered into; and the City Clerk has had available at least three (3) copies of the proposed Cooperation Agreement for inspection by interested persons prior to the mentioned public hearing; and

WHEREAS, notices for said public hearing have been published as required by law, and the City Council of the City of Modesto has held a public hearing starting on or after the hour of 4:30 p.m. on the 3rd day of July, 1978, giving all interested persons an opportunity to be heard as to whether the proposed Cooperation Agreement, in the form hereinafter set forth, should be entered into; which said hearing has been concluded with all matters in connection therewith having been fully considered by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto as follows:

1. There exists in the City of Modesto a need for such low-rent

housing at rents within the means of low income families or persons.

2. The City Council does hereby approve the development, construction, and ownership by the Local Authority of the project as defined in Paragraph 1 (a) of the Cooperation Agreement, a copy of which is attached hereto and marked Exhibit "A".

3. The City Council, after having held a public hearing and giving all interested persons an opportunity to be heard, hereby determines, pursuant to the provisions of the California Housing Cooperation Law (being Chapter 2 of Part 2 of Division 24 of the California Health and Safety Code), to enter into a Cooperation Agreement in substantially the form attached hereto as Exhibit "A" with the Local Authority. The City Manager is hereby authorized and directed to execute such Cooperation Agreement in the name of and on behalf of the City of Modesto and the City Clerk is hereby authorized and directed to affix or impress the official seal of the City of Modesto thereon and to attest the same. Such Cooperation Agreement shall be in substantially the form attached hereto and marked Exhibit "A" and made a part hereof.

4. This resolution shall become effective immediately.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried

and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

C E R T I F I C A T E

I, NORRINE COYLE, City Clerk of the City of Modesto, do hereby certify as follows:

(1) That on July 3, 1978, when the City Council of the City of Modesto adopted the attached Resolution No. 78-696, it was composed of the following qualified members:

Mayor Lee H. Davies  
Clyde H. Dunlap, Jr.  
Robert T. Elliott  
Harry Kullijian  
Richard A. Lang  
Peggy Mensinger  
Susan D. Siefkin

(2) That the attached Resolution No. 78-696 is a true, correct and conformed copy of the original Resolution on file in my office and was adopted by the following vote of the City Council:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(3) That such Resolution No. 78-696 was adopted at a regular meeting of the City Council of the City of Modesto held in the City Council Chambers located in the City Hall, 801 11th Street, Modesto, California on the 3rd day of July, 1978, at the hour of 4:30 p.m., in accordance with the provisions of Resolution No. 78-606 adopted by the City Council of the City of Modesto on June 12, 1978, a true copy of which Resolution is also attached hereto.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Modesto, this 5th day of July, 1978.

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

SEAL

This Agreement entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1977, by and between the HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS (herein called the "Local Authority" or "LHA"), a Public Housing Agency of PHA as defined in the U. S. Housing Act of 1937, as amended, and the CITY OF ROBERTO (herein called the "Municipality")

WITNESSETH:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows:

1. Whenever used in this Agreement:

(a) The term "Project" shall mean any low-income housing hereafter developed or acquired by the Local Authority with financial assistance of the United States of America acting through the Secretary of the Housing and Urban Development (herein called the "Government"); excluding, however, any low-income housing project covered by any contract for loans and annual contributions entered into between the Local Authority and the Government, or its predecessor agencies, prior to the date of this Agreement. Further the term "Project" means a "low rent housing project" as that term is used in Article XXXIV of the Constitution of the State of California.

(b) The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a taxing body or public officer to be levied for its use and benefit with respect to a Project if it were not exempt from taxation.

...  
nondwelling rents (excluding all other income of such Project), less the cost to the Local Authority of all dwelling and non-dwelling utilities.

2. The Local Authority shall endeavor (a) to secure a contract or contracts with the Government for loans and annual contributions covering one or more Projects comprising approximately 300 units of low-income housing and (b) to develop or acquire and administer such Project or Projects, each of which shall be located within the corporate limits of the Municipality. The obligations of the parties hereto shall apply to each such Project.
3. (a) Under the Constitution and statutes of the State of California all Projects are exempt from all real and personal property taxes and special assessments levied or imposed by any Taxing Body. With respect to any Project, so long as either (i) such Project is owned by a public body or governmental agency and is used for low-income housing purposes, or (ii) any contract between the Local Authority and the Government for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the Government in connection with such Project remain unpaid, whichever period is the longest, the Municipality agrees that it will not levy or impose any real or personal property taxes or special assessments upon such Project or upon the Local Authority with respect thereto. During such period, the Local Authority shall make annual payments (herein called "Payments in Lieu of Taxes") in lieu of such taxes and special assessments and in payment for the public services and facilities furnished from time to time without other costs or charges for or with respect to such Project.

after the end of the fiscal year established for such Project, and shall be in an amount equal to either (i) ten percent of the Shelter Rent actually collected but in no event to exceed ten percent of the Shelter Rent charged by the Local Authority in respect to such Project during such fiscal year, or (ii) the amount permitted to be paid by applicable State law in effect on the date such payment is made, whichever amount is lower.

(c) The Municipality shall distribute the Payments in Lieu of Taxes among the Taxing Bodies in the proportion which the real property taxes which would have been paid to each Taxing Body for such year if the Project were not exempt from taxation bears to the total real property taxes which would have been paid to all the Taxing Bodies for such year if the Project were not exempt from taxation; Provided however, that no payment for any year shall be made to any Taxing Body in excess of the amount of the real property taxes which would have been paid to such Taxing Body for such year if the Project were not exempt from taxation.

(d) Upon failure of the Local Authority to make any Payment in Lieu of Taxes, no lien against any Project or assets of the Local Authority shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low-income housing purposes, or (ii) any contract between the Local Authority and the Government for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds

the Government in connection with such Project remain unpaid, whichever period is the longest, the Municipality without cost or charge to the Local Authority or the tenants of such Project (other than the Payments in Lieu of Taxes) shall:

(a) Furnish or cause to be furnished to the Local Authority and the tenants of such Project public services and facilities of the same character and to the same extent as are furnished from time to time without cost or charge to other dwellings and inhabitants in the Municipality;

(b) Insofar as the Municipality may lawfully do so, vacate such streets, roads, and alleys within the area of such Project as may be necessary in the development thereof, and convey without charge to the Local Authority such interest as the Municipality may have in such vacated area; and, in so far as it is lawfully able to do so without cost or expense to the Local Authority or to the Municipality, cause to be removed from such vacated areas, in so far as it may be necessary, all public or private utility lines and equipment;

(c) In so far as the Municipality may lawfully do so (i) grant such deviations from the building code of the Municipality as are reasonable and necessary to promote economy and efficiency in the development and administration of such Project, and at the same time safeguard health and safety, and (ii) make such changes in any zoning of the site and surrounding territory of such Project as are reasonable and necessary for the development and protection of such Project and the surrounding territory;

(d) Accept grants of public easements necessary for the development of such Project; and,

(e) Cooperate with the Local Authority by such other lawful action or ways as the Municipality and the Local

Authority may, and necessary in connection with the development and administration of such Project.

5. In respect to any Project the Municipality further agrees that within a reasonable time after receipt of a written request therefore from the Local Authority:

(a) It will accept the dedication of all interior streets, roads, alleys, and adjacent sidewalks within the area of such Project together with all storm and sanitary sewer mains in such dedicated areas, after the Local Authority, at its own expense, has completed the grading, improvement, paving, and installation thereof in accordance with specifications acceptable to the Municipality;

(b) It will accept necessary dedications of land for, and will grade, improve, pave, and provide sidewalks for, all street bounding such Project or necessary to provide adequate access thereto (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned); and,

(c) Insofar as the Municipality may lawfully and physically do so, it will provide, or cause to be provided, water mains, and storm and sanitary sewer mains, leading to such Project and serving the bounding streets thereof (in consideration whereof the Local Authority shall pay to the Municipality such amount as would be assessed against the Project site for such work if such site were privately owned).

6. If by reason of the Municipality's failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the Local Authority or to the tenants of any Project, the Local Authority incurs any expense to obtain such services or facilities then the Local Authority may deduct the amount of

such expense from any Payments in Lieu of Taxes due or to become due to the Municipality in respect to any Project or any other low-income housing projects owned or operated by the Local Authority.

7. No Cooperation Agreement heretofore entered into between the Municipality and the Local Authority shall be construed to apply to any project covered by this Agreement.
8. No member of the governing body of the Municipality or any other public official of the Municipality who exercises any responsibilities or functions with respect to any Project during his tenure or for one year thereafter shall have any interest, direct or indirect, in any Project or any property included or planned to be included in any project, or any contracts in connection with such Projects or property. If any such governing body member or such other public official of the Municipality involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, he shall immediately disclose such interest to the Local Authority.
9. So long as any contract between the Local Authority and the Government for loans (including preliminary loans) or annual contributions, or both, in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the Government in connection with any Project remain unpaid, this Agreement shall not be abrogated, changed, or modified without the consent of the Government. The privileges and obligations of the Municipality hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the Local Authority or by any other public body or governmental agency, including the Government, authorized by law to engage in the development or administration

title to, or possession of, any Project is held by such other public body or governmental agency, including the Government, the provisions hereof shall inure to the benefit of, and may be enforced by, such other public body or governmental agency, including the Government.

IN WITNESS WHEREOF the Municipality and the Local Authority have respectively signed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

CITY OF MODESTO, CALIFORNIA

(SEAL)

By \_\_\_\_\_  
GARTH LIPSKY, City Manager

ATTEST:

\_\_\_\_\_  
CITY CLERK

HOUSING AUTHORITY OF THE COUNTY  
OF STANISLAUS

(SEAL)

By \_\_\_\_\_  
CHAIRMAN - BOARD OF COMMISSIONERS

ATTEST:

\_\_\_\_\_  
SECRETARY

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-697

A RESOLUTION APPROVING AGREEMENT BETWEEN NIMOLTY C. AND HAZEL I. MACDANNALD FOR THE DONATION OF RIGHT OF WAY NEEDED FOR THE ORANGEBURG-COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Nimolty C. and Hazel I. MacDannald for the donation of right of way needed for the Orangeburg-Collier to Coffee Project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

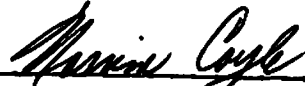
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-698

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LUCILE, LEONARD, LAVERNE, AND HAROLD PETHOUD, LOUISE TRIEBEL, AND LORRAINE BLUM, FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 531 KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Lucile, Leonard, Laverne, and Harold Pethoud, Louise Triebel, and Lorraine Blum for water service to property outside City limits at 531 Kansas Avenue, located on the north side of Kansas Avenue between Franklin Avenue and Barium 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 3rd day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-699

A RESOLUTION ACCEPTING IMPROVEMENTS IN PIONEER VILLAGE NO. 1 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, James Horn Construction Company, subdividers of Pioneer Village No. 1 Subd. , have filed subdivision Bonds for faithful performance and labor and materials in the amount of \$131,600 and \$65,800 respectively to guarantee improvements in Pioneer Village No. 1 Subd. ; and

WHEREAS, the Director of Public Works in a memorandum dated June 27, 1978 , 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 Pioneer Village No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$131,600 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 \$65,800 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 3rd day of July, 1978 by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-700**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY TO  
ACQUIRE SCOTT PROPERTY FOR DRY CREEK PARK DEVELOPMENT**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that July 24, 1978, 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 Hearing of Necessity to acquire Scott property for Dry Creek Park development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:** *Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-701

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP (WOLVERINE BUILDING SERVICE)

WHEREAS, the Modesto City Planning Commission held a public hearing on June 20, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 27-3-9 of the Zoning Map to rezone from R-1 to R-2, property located at the northwest corner of El Vista Avenue and Ellis Street the following described property:

All that portion of the Northeast quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, described as follows:

All of Lots 31 and 32 in Block 2283 as shown on the map of Oakshire Terrace recorded May 2, 1978, in Volume 27 of Maps, at Page 65, in the Stanislaus County Records.

Including also the Northerly 30 feet of Ellis Street and the Westerly 50 feet of El Vista Avenue, all being immediately adjacent to said Lots 31 and 32.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-103 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 27-3-9 of the Zoning Map be set for July 24, 1978, at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor **D**avies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-702

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 20-3-9 OF THE ZONING MAP (LAND BANK FINANCIAL SERVICES)

WHEREAS, the Modesto City Planning Commission held a public hearing on June 20, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 20-3-9 of the Zoning Map, to rezone from R-1 to R-2 property located on the north side of West Roseburg Avenue, east of Tully Road the following described property:

All that real property situated in the State of California, County of Stanislaus Described as follows:

The East 37.5 feet of the East 264.0 feet of the South half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-105 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 20-3-9 of the Zoning Map be set for July 24, 1978, at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-703**

**INFORMAL**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING CONCERNING INCENTIVES  
TO ENCOURAGE INFILLING**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that July 10, 1978, at 7:40 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of Incentives to Encourage  
Infilling.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 3rd day of  
July, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Lang, was upon roll call carried and the resolution  
adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**

*Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 704

A RESOLUTION CERTIFYING TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS THE AMOUNT OF MONEY NEEDED BY THE CITY OF MODESTO FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON BONDS OF THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1.

WHEREAS, pursuant to Section 4614.13 of the Health and Safety Code, notice is required to be given by the City of Modesto to the Board of Supervisors of the County of Stanislaus of the amount of money needed to be raised through taxation for the payment of principal and interest on bonds of the Modesto Municipal Sewer District No. 1, and

WHEREAS, pursuant to Section 4614.13 of the Health and Safety Code, the City of Modesto has determined that the total amount needed by it for the payment of principal and interest on the bonds of the Modesto Municipal Sewer District No. 1 is \$240,730.00, and

WHEREAS, the City of Modesto desires that the Board of Supervisors of the County of Stanislaus levy and collect taxes upon the taxable property in said Modesto Municipal Sewer District No. 1 sufficient to raise the amount which is so certified, and that the County Auditor, in accordance with Section 4614.13, compute the rate of taxation needed to raise the sum of \$240,730.00 for the payment of principal and interest on the bonds of said district,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, in accordance with the above-mentioned Section 4614.13 of the Health and Safety Code, that it does hereby certify to the Board of Supervisors of the

County of Stanislaus that the amount of \$240,730.00 is needed by the City of Modesto for the payment of principal and interest on the bonds of the Modesto Municipal Sewer District No. 1.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it requires the Board of Supervisors of the County of Stanislaus to levy and collect taxes upon the taxable property in said Modesto Municipal Sewer District No. 1 sufficient to raise the amount of \$240,730.00 and that it requests the County Auditor of said county to compute the rate of taxation needed to raise the sum of \$240,730.00 for the payment of principal and interest on the bonds of said district.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 705

A RESOLUTION ESTABLISHING RATES FOR THE USE OF THE SWIMMING POOLS AT MODESTO HIGH SCHOOL, DOWNEY HIGH SCHOOL, BEYER HIGH SCHOOL, DAVIS HIGH SCHOOL AND MODESTO JUNIOR COLLEGE DURING THE SUMMER VACATION SEASONS WHILE SAID POOLS ARE BEING OPERATED BY THE CITY OF MODESTO, AND RESCINDING RESOLUTION NO. 78-643.

WHEREAS, the City of Modesto has agreements with the Modesto City School District of Stanislaus County, the Modesto High School District of Stanislaus County and the Yosemite Community College District for the joint use of swimming pools at Modesto High School, Downey High School, Beyer High School, Davis High School and the Modesto Junior College, and

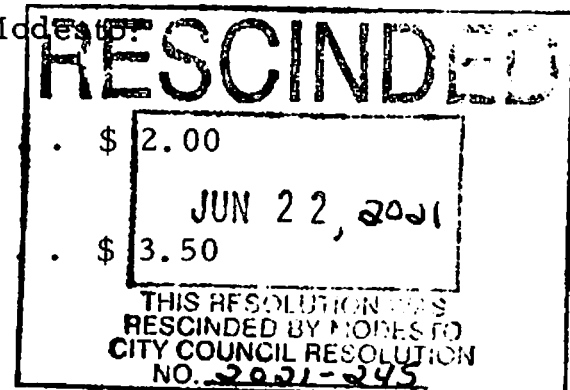
WHEREAS, said agreements provide that City shall have the sole and exclusive use of said swimming pools during the respective school summer vacation seasons, and

WHEREAS, City desires to establish reasonable fees to be charged to the public for the use of said pools and facilities at said swimming pools,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following rates are hereby established, effective June 20, 1978, for the use of the swimming pools at Modesto High School, Downey High School, Beyer High School, Davis High School and Modesto Junior College during the summer vacation seasons while they are under the control and supervision of the Department of Parks and Recreation of the City of Modesto.

Registration Fee, Lessons - Beginners . . . . .	\$ 2.00
Registration Fee, Lessons - Other than Beginners . . . . .	\$ 3.50



Recreational Swim, Adult Admissions,  
 18 years and over. . . . . \$ 1.00

Recreational Swim, Child Admissions,  
 17 years and under. . . . . .35

Swim Team . . . . . 6.00

Child Ticket, 20 swims. . . . . 5.00

Adult Ticket, 20 swims. . . . . 15.00

SECTION 2. Resolution No. 78-643 adopted by the Council on  
 June 19, 1978, is hereby rescinded effective retroactively to June 20, 1978.

The foregoing resolution was introduced at a regular meeting of the  
 Council of the City of Modesto held on the 3rd day of July, 1978,  
 by Councilmember Dunlap, who moved its adoption, which motion  
 being duly seconded by Councilmember Lang, was upon roll call  
 carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
 Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
 NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
 ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-706

A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATE FOR STANDIFORD AVENUE FROM TULLY ROAD TO 300 FEET WEST OF CARVER ROAD PROJECT

WHEREAS, the City of Modesto has acquired the required right of way needed to improve Standiford Avenue from Tully Road to 300 feet west of Carver Road; and

WHEREAS, it is necessary for the City of Modesto to make a certification to the State of California that the right of way has been acquired for the improvement of Standiford Avenue from Tully Road to 300 feet west of Carver Road.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are hereby authorized to sign a Right of Way Certificate setting forth the status of right of way acquisition for the Standiford Avenue from Tully Road to 300 feet west of Carver project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-707

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LAND IMPROVEMENT SERVICES, INC. FOR THE DONATION OF NEEDED RIGHT OF WAY

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Land Improvement Services, Inc.

for the donation of needed right of way, and allowing a higher number of dwelling units in a development based on gross acreage before right-of-way is donated

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-708

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LOUIE VARNI, JOHN D. VARNI AND FRED A. VARNI FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 619 KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Louis Varni, John D. Varni and Fred A. Varni for water service to property outside City limits at 619 Kansas Avenue, located on the north side of Kansas Avenue between Franklin Street and Barium 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 3rd day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-709

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FOR IMPROVEMENT OF PRESCOTT ROAD FROM BRIGGSMORE AVENUE TO PEACH DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for improvement of Prescott Road from Briggsmore Avenue to Peach Drive 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 25, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-710

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FIRE STATION NO. 1 PARKING LOT PAVING

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for Fire Station No. 1 parking lot paving copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 15, 1978, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-711

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN BEYERWOOD EAST NO. 2 AND WATERLINE EXTENSION TO FIRE STATION NO. 6 ON STANDIFORD AVENUE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of waterlines in Beyerwood East No. 2 and waterline extension to Fire Station No. 6 on Standiford Avenue copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on July 25, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-712

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING PURCHASE ORDER TO DUAL FUEL SYSTEMS, INC. TO CONVERT FIVE SEWER DIVISION VEHICLES TO OPERATE ON METHANE

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure to convert five Sewer Division vehicles to operate on methane is hereby waived.

BE IT FURTHER RESOLVED that the conversion of five Sewer Division vehicles to operate on methane by Dual Fuel Systems, Inc. for a total cost of \$8,700, 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 July, 1978, by Councilmember Dunlap, 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: Councilmember: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmember: None  
ABSENT: Councilmember: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-713**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR ASPHALT CONCRETE RESURFACING, VARIOUS CITY STREETS, SPRING 1978**

**WHEREAS, Resolution No. 78-627 , adopted by the Council of the City of Modesto on June 19, 1978 , approved the plans and specifications for the asphalt concrete resurfacing of various City streets, Spring 1978 and authorized the calling for bids, and**

**WHEREAS, the bids received for the asphalt concrete resurfacing of various City Streets, Spring 1978 were opened at 11:00 a.m. on July 5, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of George Reed, Inc. in the amount of \$154,872.19**

**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 \$154,872.19**

**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 July,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-714**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR CONSTRUCTION OF SONOMA PARK STAGE 1**

**WHEREAS, Resolution No. 78-550 , adopted by the Council of the City of Modesto on June 5, 1978 , approved the plans and specifications for the construction of Sonoma Park Stage 1**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of Sonoma Park Stage 1 were opened at 11:00 a.m. on June 27, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of George Reed, Inc. in the amount of \$69,800**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$69,800**

**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 July,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-715

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN COLLEGE  
WEST NO. 2

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of waterlines in College West  
No. 2

has been completed by Western Pipeline

in accordance with the contract agreement dated February 13, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
waterlines in College West No. 2

be accepted from said contractor, Western Pipeline;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$30,664.75  
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  
July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-716

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN GLENBROOK,  
LAKEWOOD PARK AND PIONEER VILLAGE NO. 1**

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Glenbrook, Lakewood Park and Pioneer Village No. 1 has been completed by W. Gale Fisher, Inc.

in accordance with the contract agreement dated October 24, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Glenbrook, Lakewood Park and Pioneer Village No. 1 be accepted from said contractor, W. Gale Fisher, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$60,132.75 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 July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-717

A RESOLUTION DECLARING THAT A MAJORITY PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS KANSAS AVENUE ADDITION AND DECLARING THE INTENTION OF THE COUNCIL TO PROCEED WITH THE ANNEXATION OF SAID TERRITORY.

WHEREAS, by Resolution No. 78-507, adopted on May 15, 1978, the Council fixed the 10th day of July, 1978, at the hour of 7:30 P.M. in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto as the time and place for considering the petition of the owners of not less than one-fourth of the land in the hereinafter described territory by area and by assessed value requesting annexation of said territory to said City, and

WHEREAS, the City Clerk has caused a copy of said Resolution No. 78-507 to be published in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and being the official newspaper of the City of Modesto and in the Riverbank News, a newspaper of general circulation published outside the City of Modesto but in the County of Stanislaus, said publications being completed at least twenty (20) days prior to the date set for the hearing, as required by Sections 35307 and 35311 of the Government Code, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, notice has been duly given of said hearing and no person owning real property within such territory appeared at said time and place to protest said annexation and no written protests have been filed prior to final adjournment of the hearing on protests to the proposed annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby declares that a majority protest against the proposed annexation of said Kansas Avenue Addition has not been made and hereby declares its intention to proceed with the annexation of said territory, which is more particularly described as 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 10th day of July, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn I. Johnson  
ELWYN I. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ken Campbell  
Public Works Department

## KANSAS AVENUE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the NORTHWEST ADDITION (44) as per description filed December 10, 1951, as Instrument No. 28460, Stanislaus County Records;

1. thence along the Southwestern boundary of said Addition (44), South  $0^{\circ} 35' 05''$  East, 729.16 feet, to the Southern line of 40.00 foot Kansas Avenue, and the quarter corner of Sections 30/29;
2. thence continuing along the existing City Limits and section line along Franklin Street, South  $0^{\circ} 35' 05''$  East, 1206.90 feet, to the Southern right-of-way line of future State Highway 132;
3. thence leaving the existing City Limits, and continuing along said Southern right-of-way line, North  $52^{\circ} 22' 45''$  West, 396.48 feet;
4. thence North  $89^{\circ} 47' 00''$  West, 12.17 feet;
5. thence North  $52^{\circ} 22' 45''$  West, 241.08 feet;
6. thence North  $56^{\circ} 48' 27''$  West 208.53 feet;
7. thence North  $65^{\circ} 30' 34''$  West, 288.33 feet;
8. thence North  $76. 34' 00''$  West, 385.37 feet;
9. thence North  $66^{\circ} 18' 44''$  West, 107.80 feet;
10. thence North  $89^{\circ} 47' 00''$  West, 1236.26 feet, to the center line of 40.00 foot Emerald Avenue;
11. thence along said center line, South  $00^{\circ} 12' 07''$  East, 492.85 feet, to the center line of 60.00 foot Elm Avenue;
12. thence continuing along said center line, North  $89^{\circ} 28' 07''$  West, 564.67 feet;
13. thence North  $00^{\circ} 12' 07''$  West, 492.99 feet, to the Southern right-of-way line for future State Highway 132;
14. thence continuing along said right-of-way line, North  $89^{\circ} 28' 22''$  West, 821.33 feet;
15. thence South  $89^{\circ} 12' 44''$  West, 376.14 feet;
16. thence South  $86^{\circ} 53' 24''$  West, 375.52 feet;
17. thence South  $80^{\circ} 04' 49''$  West, 386.02 feet;
18. thence South  $30^{\circ} 24' 37''$  West, 165.75 feet;
19. thence South  $89^{\circ} 28' 26''$  West, 45.00 feet, to the center line of 90.00 foot Carpenter Road;
20. thence along said center line, North  $00^{\circ} 31' 34''$  West, 650.00 feet;
21. thence North  $89^{\circ} 28' 26''$  East, 45.00 feet, to the Northern right-of-way line of future State Highway 132;
22. thence continuing along said right-of-way line, South  $47^{\circ} 33' 16''$  East, 125.90 feet;
23. thence South  $80^{\circ} 49' 38''$  East, 543.24 feet;
24. thence South  $86^{\circ} 03' 28''$  East, 493.01 feet;
25. thence South  $89^{\circ} 30' 35''$  East, 800.00 feet;
26. thence North  $88^{\circ} 45' 57''$  East, 680.47 feet to the center

line of 40.00 foot Emerald Avenue;

27. thence along said center line North  $00^{\circ} 12' 07''$  West, 262.60 feet, to the quarter section line and Southern line of Kansas Avenue;

28. thence continuing along said street, South  $89^{\circ} 47' 00''$  East, 25.00 feet, to the interior quarter corner of Section 30;

29. thence South  $89^{\circ} 47' 00''$  East, 35.00 feet, to the center line of 40.00 foot Emerald Avenue;

30. thence along said center line, North  $00^{\circ} 11' 40''$  West, 1632.07 feet;

31. thence North  $89^{\circ} 39' 17''$  East, 30.00 feet, to the Northeastern line of 28.00 foot Barium Road;

32. thence continuing along the Northeastern line of said road, South  $13^{\circ} 46' 00''$  East, 81.72 feet;

33. thence South  $43^{\circ} 07' 30''$  East, 1084.67 feet;

34. thence along a curve having a Radius of 1972.00 feet, a Central Angle of  $3^{\circ} 35' 21''$ , and an Arc Length of 123.53 feet;

35. thence South  $89^{\circ} 47' 15''$  East, 89.26 feet;

36. thence South  $00^{\circ} 11' 40''$  East, 69.47 feet;

37. thence South  $37^{\circ} 24' 39''$  East, 35.78 feet;

38. thence South  $49^{\circ} 22' 30''$  East, 142.01 feet;

39. thence North  $00^{\circ} 11' 40''$  West, 231.60 feet;

40. thence South  $89^{\circ} 48' 20''$  West, 14.07 feet;

41. thence North  $00^{\circ} 11' 40''$  West, 20.04 feet;

42. thence North  $07^{\circ} 58' 20''$  East, 98.55 feet;

43. thence North  $00^{\circ} 11' 40''$  West, 484.27 feet;

44. thence along a curve having a Radius of 583.14 feet, a Central Angle of  $21^{\circ} 53' 00''$ , and an Arc Length of 222.72 feet;

45. thence North  $21^{\circ} 41' 20''$  East, 135.05 feet;

46. thence along a curve having a Radius of 562.22 feet, a Central Angle of  $47^{\circ} 37' 57''$ , and an Arc Length of 467.40 feet;

47. thence North  $00^{\circ} 11' 40''$  West, 7.02 feet;

48. thence North  $47^{\circ} 18' 10''$  East, 100.00 feet;

49. thence South  $42^{\circ} 51' 50''$  East, 2003.90 feet, to the point of beginning, containing 131.662 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-718

A RESOLUTION APPROVING THE FINDINGS OF THE STANISLAUS COUNTY  
LOCAL AGENCY FORMATION COMMISSION AS TO THE ENVIRONMENTAL  
IMPACT OF THE KANSAS AVENUE ADDITION.

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WHEREAS, on February 22, 1978, the Local Agency Formation Commission adopted a Resolution giving approval to an annexation designated \_\_\_\_\_  
in re: Kansas Avenue Annexation to the City of Modesto,  
which resolution included findings as to the environmental assessment of the annexation,  
and

WHEREAS, the Council of the City of Modesto has reviewed and considered the findings of the Stanislaus County Local Agency Formation Commission which resulted in a negative declaration as to the environmental impact of the subject annexation,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the negative declaration as to the environmental impact of the subject annexation designated Kansas Avenue Addition to the City of Modesto.

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BE IT FURTHER RESOLVED 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 Completion in regard to the environmental impact of the subject annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by

Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-719

A RESOLUTION DENYING THE APPEAL FILED BY JESSIE E. BRIGHT FOR AN AMENDMENT TO SECTION 16-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PROFESSIONAL OFFICE ZONE, P-O, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by Jessie E. Bright on April 21, 1978, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, property located at the northeast corner of Sunrise and Briggsmore Avenues, described as follows:

All that real property situated in the County of Stanislaus, State of California, described as the south 15 feet of Lot 5 and all of Lot 6 in Block 1286 of Regina Heights, as per map thereof filed January 20, 1953, in Volume 17 of Maps, Page 48, Stanislaus County Records.

Including also the easterly 30 feet of Sunrise Avenue immediately adjacent to said Lots 5 and 6, and also the northerly 30 feet of Briggsmore Avenue immediately adjacent to said Lot 6,

and

WHEREAS, said application was set for a public hearing before the Planning Commission at its regular meeting on May 23, 1978, in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 78-84, denied the requested amendment to Section 16-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, the property described above located at the northeast corner of Sunrise and Briggsmore Avenues for the following reasons:

1. The subject property is an integral part of a single-family residential subdivision and conversion of the property's zoning to Professional Office would have an adverse impact on the surrounding dwelling units.
2. P-O Zoning of the subject property would cause additional on-street parking in the neighborhood and would cause unwarranted additional use of the 20-foot wide alley east of the property,

and

WHEREAS, an appeal was filed with the City Clerk of the City of Modesto by Jessie E. Bright, by letter dated June 7, 1978, to the decision of the Planning Commission denying his application to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, the property hereinabove described, located at the northeast corner of Sunrise and Briggsmore Avenues, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on July 10, 1978, at 7:35 o'clock p. m. , and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Jessie E. Bright to the decision of the Planning Commission denying rezoning from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, the above-described property located at the northeast corner of Sunrise and Briggsmore Avenues should be denied for the reasons set forth in Planning Commission Resolution No. 78-84, and quoted above, and that the decision of the Planning Commission denying the requested rezoning should be affirmed, and

WHEREAS, the City Council at said Council meeting 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 proposed rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Jessie E. Bright to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 78-84, denying rezoning from Low Density Residential Zone, R-1, to Professional Office Zone, P-O, the above described property, located at the northeast corner of Sunrise and Briggsmore Avenues, be denied, for the reasons set forth in Planning Commission Resolution No. 78-84, and quoted above, and the decision of the Planning Commission denying the requested rezoning is hereby affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION: William Ovulida  
Director of Planning and Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-720

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO.

WHEREAS, Section 4-3.08 of the Modesto Municipal Code provides that fees for house moving investigations and house moving permits required by the City of Modesto shall be in accordance with a schedule of fees approved by the City Council from time to time by resolutions and on file in the offices of the City Clerk and the Chief Building Official, and

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 for 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 resolutions and on file in the offices of the City Clerk and Director of Public Works, 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 resolutions and on file in the offices of the City Clerk and Director of Public Works, 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 resolutions and on file in the offices of the City Clerk and Director of Public Works, 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 resolutions and on file in the offices of the City Clerk and the Director of Public Works, 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 on file in the offices of the City Clerk and the Director of Public Works, and

WHEREAS, Resolution No. 77-1081 entitled "A Resolution Establishing Conditions for Issuing Encroachment Permits to Place Newspaper Racks in Sidewalk-Planting Strips" in the City of Modesto provides that inspection fees shall be charged in accordance with a schedule of fees approved by the City Council from time to time by resolutions and on file in the offices of the City Clerk and Director of Public Works, and

WHEREAS, it is the desire of the City Council of the City of Modesto to adopt a Schedule of Fees to be charged by the City of Modesto in accordance with the above sections of the Modesto Municipal Code and Resolution No. 77-1081,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following Schedule of Fees is hereby adopted providing for work or inspections performed by the City of Modesto in connection with encroachment permits:

SCHEDULE OF ENCROACHMENT PERMIT FEES

<u>TYPE OF PERMIT</u> <sup>(6)</sup>	<u>BASIC INSP.</u> <sup>(5)</sup>	<u>STAKING</u> <sup>(1)</sup>	<u>PAVING</u> <sup>(1)</sup>
1. Curbs	\$ 5.00/lot	0.30/1.f.	by City
2. Sidewalks	5.00/lot	---	---
3. Approaches	5.00/each	---	by City
4. Sewer Services	10.00/lot	---	1.75/s.f.
5. Sewer Laterals <sup>(2)</sup>	0.20/1.f.	0.30/1.f.	1.75/s.f.
6. Newspaper Racks	5.00/each	---	---
7. Storm Drains (through the curb)	5.00/each	---	---
8. Utilities, Major <sup>(3)</sup> Construction	10.00/block	---	1.75/s.f.
9. Utilities, Services <sup>(3)</sup> or Repair	5.00/each <sup>(4)</sup>	---	1.75/s.f.
10. Variances	20.00/each	---	---
11. Street Closures (temporary)	50.00/each	---	---
12. Street Lights	10.00/each	---	---
13. Rock Wells or Storm Drain Connections	10.00/each	---	---
14. Street Paving	10.00/lot	---	---
15. Parcel Map Improvements	20.00/lot	---	---
16. House Moving	5.00/each	---	---

(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 \$0.20/1.f.

- (3) Utility relocation required for City projects is not subject to a charge.
- (4) Public utility companies may pay an annual \$100.00 fee in lieu of the \$5.00 fee for each permit for services or repair.
- (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 \$100.00 per street
  - b. Temporary paving \$100.00 per street
  - c. Temporary barricades \$ 30.00 per each
- (6) Permits are required for all work done in all public rights of way, including public utility easements.

BE IT FURTHER RESOLVED that Resolution No. 77-1082 adopted by the City Council on October 17, 1977, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-721

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP (NORMAN WINSOR)

WHEREAS, the Modesto City Planning Commission held a public hearing on June 20, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 7-3-9 of the Zoning Map. to rezone from R-1 to P-D(197) to allow a 134-unit, 2-story multiple family residential complex, property located on the north side of Standiford Avenue east of Prescott Road the following described property:

Lot 16 of Block 13358 of the Winsor Tract according to the Official Map thereof, filed for record on March 28, 1978, in Volume 27 of Maps at Page 56, Stanislaus County Records.

Including also the Easterly one-half of San Clemente Avenue and the Northerly 30 feet of Standiford Avenue, all being immediately adjacent to said Lot 16.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-109 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 7-3-9 of the Zoning Map be set for August 7, 1978, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-722

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP (J.F. ROUW)

WHEREAS, the Modesto City Planning Commission held a public hearing on June 20, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 7-3-9 of the Zoning Map, to rezone from R-1 to R-3 and P-D to allow construction of a 203 dwelling small lot single-family residential complex, property located on the east side of Prescott Road, north of Standiford Avenue the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-110 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 7-3-9 of the Zoning Map be set for August 7, 1978, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

R-1 to R-3

ALL that certain real property situate in a portion of the Northwest Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California, described as follows:

COMMENCING at the Northwest corner of said Section 7, thence along the West line of said Section 7, South  $0^{\circ} 42' 15''$  East 1262.78 feet to the POINT OF BEGINNING of this description; thence North  $89^{\circ} 17' 45''$  East 218.58 feet; thence Southeasterly 441.87 feet along a tangent curve, concave to the Southwest, having a radius of 586.90 feet and a central angle of  $43^{\circ} 08' 15''$  to the Northwesterly line of the 100-foot wide Modesto Irrigation Lateral No. 7; thence along said Northwesterly line of Lateral No. 7 South  $42^{\circ} 26'$  West 906.57 feet to the West line of said Section 7; thence along said West line of Section 7 North  $0^{\circ} 42' 15''$  West 820.17 feet to the point of beginning.

Including also the Northwesterly 50 feet of the Modesto Irrigation District Lateral No. 7 immediately adjacent to the above described property.

Contains: 6.50 Acres.

R-1 to P-D

ALL that certain real property situate in a portion of the Northwest Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California, described as follows:

COMMENCING at the Northwest corner of said Section 7; thence along the West line of said Section 7 South  $0^{\circ} 42' 15''$  East 42.84 feet to the POINT OF BEGINNING of this description; thence continuing along said West line of Section 7

South 0° 42' 15" East 1219.94 feet; thence North 89° 17' 45" East 218.58 feet; thence Southeasterly 441.87 feet along a tangent curve, concave to the Southwest, having a radius of 586.90 feet and a central angle of 43° 08' 15" to the Northwesterly line of the 100-foot wide Modesto Irrigation District Lateral No. 7; thence along said Northwesterly line of Lateral No. 7 North 42° 26' East 772.84 feet; thence Northerly 347.91 feet along a tangent curve, concave to the West having a radius of 485.30 feet and a central angle of 41° 04' 30"; thence along a tangent line North 1° 21' 30" East 172.26 feet; thence South 89° 51' 30" West 119.06 feet; thence North 0° 08' 30" West 228.40 feet to the Southerly line of 100-foot wide Modesto Irrigation Lateral No. 6; thence along said Southerly line of Lateral No. 6 North 88° 32' 45" West 983.08 feet; thence Westerly 198.67 feet along a tangent curve, concave to the North, having a radius of 352.90 feet and a central angle of 32° 15' 19" to the point of beginning.

Including also the Northwesterly 50 feet of the Modesto Irrigation Lateral No. 7 and Southerly 50 feet of the Modesto Irrigation Lateral No. 6 all being immediately adjacent to the above described property.

Containing 30.46 Acres

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-723

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO P-D(133) (GREGORY DEVELOPMENT)

WHEREAS, the Modesto City Planning Commission held a public hearing on June 20, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to P-D(133) to permit a two-story building expansion of the commercial portion of the P-D Zone, property located north of Standiford Avenue and west of Tully Road the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-111 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to P-D(133) be set for August 7, 1978, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

ALL that certain real property situate in a portion of the Northeast quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

COMMENCING at the East quarter corner of Section 7, being also the intersection of the center lines of Tully Road and Standiford Avenue; Thence North  $89^{\circ} 28'$  West along the East-West quarter section line of said Section 7, and said centerline of Standiford Avenue, a distance of 195.00 feet to the point of beginning of this description; thence continuing North  $89^{\circ} 28'$  West along said centerline, a distance of 320.65 feet, to the intersection of said centerline with the Southerly prolongation of the Westerly line of Parcel 2 as shown on Parcel Map recorded in Volume 1 of Parcel Maps, Page 106, Stanislaus County Records; thence North  $0^{\circ} 24' 59''$  West along said Southerly prolongation and the Westerly line of said Parcels 2 and 1, a distance of 481.86 feet to the Northwest corner of said Parcel 1; thence North  $88^{\circ} 45' 45''$  East along the North line of said Parcel 1, a distance of 284.70 feet; thence North  $1^{\circ} 14' 15''$  East, 70.03 feet; thence North  $88^{\circ} 45' 45''$  East, 228.80 feet to the East line of said Section 7, being also the centerline of Tully Road; thence South  $1^{\circ} 14' 15''$  East along said centerline of Tully Road a distance of 347.74 feet to the Easterly prolongation of the North line of Parcel 3 of said Parcel Map; thence North  $89^{\circ} 28'$  West along said prolongation and said North line, a distance of 195.00 feet to the Northwest corner of said Parcel 3; thence South  $1^{\circ} 14' 15''$  East, along the West line of said Parcel 3, a distance of 220.00 feet to the point of beginning.

Containing 5.15 Acres, gross, as measured to center of roadway.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-724

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP (KENNETH GRAHAM)

WHEREAS, the Modesto City Planning Commission held a public hearing on June 20, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 27-3-9 of the Zoning Map to rezone from R-3 to P-D to allow construction of an 8-unit condominium residential complex property located on the north side of Scenic Drive east of Rose.

the following described property:

All that real property situated in Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

All of Lot 17 in Block 1308 as shown on the map of Strathmore No. 1 Recorded in Volume 19 of Maps at Page 30 and all of Parcel A as shown on the map recorded in Book 26 of Parcel Maps at Page 45, in the Stanislaus County Records.

Including also the Southerly 10 feet of the 20-foot alley, immediately adjacent to the Northerly property lines of said Lot 17 and Parcel A and also that portion of Scenic Drive situated between the centerline of Scenic Drive and the Southerly property lines of said Lot 17 and Parcel A.  
and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 73-107 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 27-3-9 of the Zoning Map be set for August 7, 1978 at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-725**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO DISCUSS PROJECT REPORT SUPPLEMENT DESCRIBING ALTERNATIVES FOR LAND DISPOSAL OF SEWAGE EFFLUENT INCLUDING SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT DEALING WITH THOSE ALTERNATIVES**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that August 7, 1978, 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 project report supplement describing alternatives for land disposal of sewage effluent including supplemental Environmental Impact Report dealing with those alternatives.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-726

A RESOLUTION ACCEPTING IMPROVEMENTS IN LINCOLN SQUARE NO. 6 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Bomberger Bros., Inc.

subdividers of Lincoln Square No. 6 Subdivision, have filed subdivision Bonds for faithful performance and labor and materials in the amount of \$272,600 and \$136,300 respectively to guarantee improvements in Lincoln Square No. 6 Subd. ; and

WHEREAS, the Director of Public Works in a memorandum dated July 5, 1978 , 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 Lincoln Square No. 6 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$272,600 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 \$136,300 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 10th day of July, 1978 by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-727

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT C. AND JOYCE C. SPRAGUE FOR THE DONATION OF RIGHT OF WAY NEEDED FOR SUNRISE-LUCERN TO NORWEGIAN PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. Robert C. Sprague for the donation of right of way needed for Sunrise-Lucern to Norwegian project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-728

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DOUGLAS M. AND DONNA R. COALSON FOR THE DONATION OF RIGHT OF WAY NEEDED FOR SUNRISE-LUCERN TO NORWEGIAN PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. Douglas M. Coalson for the donation of right of way needed for Sunrise-Lucern to Norwegian project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-729

A RESOLUTION AUTHORIZING OBTAINING AUTOMOBILE AND GENERAL LIABILITY INSURANCE AND SEPARATE INSURANCE COVERAGE FOR T.R.I.P.S., INC. THROUGH INSURANCE BROKER GIDDINGS, CORBY, HYNES, INC.

BE IT RESOLVED by the Council of the City of Modesto that City of Modesto insurance broker, Giddings, Corby, Hynes, Inc. is hereby authorized to provide Automobile and General Liability Insurance with a self-insured retention of \$200,000 with \$15,000,000 coverage, at a cost of \$226,000 for fiscal year 1978-79.

BE IT FURTHER RESOLVED that City of Modesto insurance broker Giddings, Corby, Hynes, Inc. is hereby authorized to separately provide full protection insurance for the motor bus service, T.R.I.P.S., Inc. in the amount of \$10,000,000 at a cost of \$34,864 for fiscal year 1978-79.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-730

A RESOLUTION APPOINTING MEMBER OF THE PLANNING COMMISSION FOR A TERM ENDING JANUARY 1, 1982 (Cal Purviance)

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: (Term ending January 1, 1982)

Cal Purviance  
3328 Claremont Street  
Modesto, Ca. 95350

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 10th day of July, 1978, by Councilmember Kullijian, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-731

A RESOLUTION APPOINTING PAUL GREEN AND ARTHUR O. VASQUEZ TO THE NEIGHBORHOOD ADVISORY COMMITTEE, TARGET AREA NO. 1, OF THE CITIZENS HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE FOR TERMS ENDING JUNE 30, 1981

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 Neighborhood Advisory Committee, Target Area No. 1, of the Citizens Housing and Community Development Committee for terms ending June 30, 1981:

Mr. Paul Green  
209 South Madison Street  
Modesto, California

Mr. Arthur O. Vasquez  
313 Walnut Street  
Modesto, California

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the above listed committees 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 July, 1973, by Councilmember Kullijian, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-732

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ONE TRACTOR-LOADER-BACKHOE COMBINATION**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for the purchase of one tractor-loader-backhoe combination 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 1, 1978, at 2:00 p.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Elliott and Kullijian

ATTEST:

*Norrine Coyze*  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-733

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE INSTALLATION OF IRRIGATION SYSTEM AND LANDSCAPING AT SYLVAN PARK**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for the installation of irrigation system and landscaping at Sylvan Park copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 15, 1978 at 11:10 and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Elliott and Kullijian

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-734

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR DRILLING, CASING, TESTING, AND DEVELOPMENT OF WELL NO. 45

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for drilling, casing, testing, and development of Well No. 45 copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 15, 1978 at 11:05 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott and Kullijian

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-735**

**A RESOLUTION ACCEPTING THE BID OF ELRICH CONSTRUCTION FOR REPAIRS AND IMPROVEMENTS TO THE PARKING LOT AT THE SOUTHWEST CORNER OF 10TH AND H STREETS**

**WHEREAS, Resolution No. 78-595, adopted by the Council of the City of Modesto on June 12, 1978, approved the plans and specifications for the repairs and improvements to the parking lot at the southwest corner of 10th and H Streets**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the repairs and improvements to the parking lot at the southwest corner of 10th and H Streets were opened at 2:00 p.m. on July 11, 1978, and later tabulated by the Director of Parking and Traffic for the consideration of the Council, and**

**WHEREAS, the Director of Parking and Traffic has recommended that the bid of Elrich Construction in the amount of \$14,470**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Elrich Construction in the amount of \$14,470**

**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 July,**

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST:

  
~~NORRINE COYZE, City Clerk~~

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-736**

**A RESOLUTION ACCEPTING THE BID OF MAC'S BACKHOE SERVICE FOR CONSTRUCTION OF WATERLINES IN WHITMORE INDUSTRIAL PARK AND WATERLINE EXTENSION IN SCENIC DRIVE TO 700 FEET EAST ON SCENIC BEND**

**WHEREAS, Resolution No. 78-650 , adopted by the Council of the City of Modesto on June 26, 1978 , approved the plans and specifications for the construction of waterlines in Whitmore Industrial Park and waterline extension in Scenic Dr. to 700 ft. east on Scenic Bend and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterlines in Whitmore Industrial Park and waterline extension in Scenic Drive to 700 feet east on Scenic Bend were opened at 11:05 a.m. on July 11, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Mac's Backhoe Service in the amount of \$25,703.50**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mac's Backhoe Service in the amount of \$25,703.50**

**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 17th day of July,**

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-737

A RESOLUTION ACCEPTING THE BID OF W.M. LYLES FOR CONSTRUCTION OF DRYDEN TRUNK SEWER - 1975 EDA PROJECT #07-01-01753

WHEREAS, Resolution No. 78-469 , adopted by the Council of the City of Modesto on May 8, 1978 , approved the plans and specifications for the construction of Dryden Trunk Sewer - 1975 EDA Project #07-01-01753

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of Dryden Trunk Sewer - 1975 EDA Project #07-01-01753 were opened at 11:00 a.m. on June 13, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of W.M. Lyles in the amount of \$911,664

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of W.M. Lyles in the amount of \$911,664

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 July,

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-738**

**A RESOLUTION ACCEPTING THE BID OF VAN PELT, INC. FOR FURNISHING TWO  
1500 G.P.M.PUMPER TRUCKS**

**WHEREAS, Resolution No. 78-467 , adopted by the Council of the  
City of Modesto on May 8, 1978 , approved the plans and speci-  
fications for the furnishing two 1500 g.p.m. pumper trucks**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of two 1500 g.p.m.  
pumper trucks  
were opened at 2:00 p.m. on May 30, 1978, 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 Van Pelt, Inc. in the amount of \$118,712.58 each  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Van Pelt, Inc. in the amount of \$118,712.58 each  
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 July,**

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 739

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION FOR A GRANT FOR LAW ENFORCEMENT PURPOSES TO THE CALIFORNIA COUNCIL ON CRIMINAL JUSTICE.

WHEREAS, the City of Modesto desires to undertake a certain project designated Community Service Officer to be funded in part from funds made available through the Omnibus Crime Control and Safe Streets Act of 1968, PL 90-355, as amended, PL 91-644, (hereinafter referred to as the Safe Streets Act) administered by the California Council on Criminal Justice (hereinafter referred to as CCCJ),

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Modesto, or his authorized representative, is authorized, on its behalf to submit an Application for Grant for Law Enforcement Purposes to CCCJ and is authorized to execute on behalf of the City of Modesto the attached Grant Award Contract for law enforcement purposes including any extensions or amendments thereof.

BE IT FURTHER RESOLVED that the applicant agrees to provide all matching funds required for said project (including any extension or amendment thereof) under the Safe Streets Act and the rules and regulations of CCCJ and the Law Enforcement Assistance Administration and that cash will be appropriated as required thereby.

BE IT FURTHER RESOLVED that insofar as it is legally possible, it is the intent of the City of Modesto to cooperate with the California Council on Criminal Justice and encourage the continuation of this program after Federal funding is discontinued.

BE IT FURTHER RESOLVED that grant funds received hereunder shall not be used to supplant on-going law enforcement expenditures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-740  
EXTENSION

A RESOLUTION APPROVING AGREEMENT/BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY HOUSING AUTHORITY FOR PERIOD AUGUST 1, 1978 THROUGH JULY 31, 1979

BE IT HEREBY RESOLVED by the Council of the City of Modesto extension that the agreement/between the City of Modesto and Stanislaus County Housing Authority for period August 1, 1978 through July 31, 1979 as recommended by the Citizens Housing and Community Development Committee be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement extension by the designated 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 July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-741

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE MC HENRY-DRY CREEK  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the McHenry-Dry Creek  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Scenic-Lakewood No. 2 Addition  
by Resolution No. 78-599 adopted on July 12,  
1978, and said addition officially became a part of the City of  
Modesto on June 23, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the McHenry-Dry Creek Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

SCENIC-LAKEWOOD NO. 2

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of SCENIC-LAKEWOOD ADDITION (332), as per description filed May 30, 1975, as Instrument 46313, Stanislaus County Records;

1. thence along the existing City Limits along an Eastern line of said ADDITION (332), North  $00^{\circ} 44' 20''$  West, 576.59 feet;
2. thence continuing along the existing City Limits, North  $41^{\circ} 21' 40''$  East, 118.16 feet;
3. thence continuing along the existing City Limits, North  $68^{\circ} 39' 05''$  East, 402.10 feet;
4. thence leaving the existing City Limits, South  $00^{\circ} 44' 20''$  East, 385.57 feet;
5. thence North  $88^{\circ} 32' 40''$  East, 325.32 feet, to the East line of Section 23 and the center line of Lakewood Avenue;
6. thence along said Section line and center line, South  $00^{\circ} 44' 20''$  East, 324.25 feet, to the center line of 50.00 foot Scenic Drive;
7. thence along said center line, South  $78^{\circ} 01' 55''$  West, 601.90 feet;
8. thence South  $50^{\circ} 37' 08''$  West, 250.68 feet;
9. thence North  $50^{\circ} 05' 47''$  West, 25.51 feet;
10. thence North  $50^{\circ} 37' 08''$  East, 31.52 feet;
11. thence North  $00^{\circ} 44' 20''$  West, 137.39 feet, to the point of beginning, containing 10.490 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-742

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (SCENIC-LAKEWOOD NO. 2)

WHEREAS, there has been annexed to the City of Modesto on June 23, 1978, certain territory known as Scenic-Lakewood No. 2 Addition, and

WHEREAS, the inclusion of the area contained in Scenic-Lakewood No. 2 Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Scenic-Lakewood No. 2 Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 178.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Tuesday, September 5, 1978, at the hour of 4:00 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 178.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The southeast corner of the annexation at the intersection of Scenic Drive and Lakewood Avenue.
- (2) A northeast corner of the annexation at the west side of Lakewood Avenue.
- (3) A southwest corner of the annexation at the north side of Scenic Drive.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 178, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call

carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *R. Campbell*  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on July 17, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Dunlap, seconded by Councilmember Siefkin, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

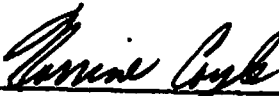
NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: July 18, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

SCENIC-LAKEWOOD NO. 2

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of SCENIC-LAKEWOOD ADDITION (332), as per description filed May 30, 1975, as Instrument 46313, Stanislaus County Records;

1. thence along the existing City Limits along an Eastern line of said ADDITION (332), North  $00^{\circ} 44' 20''$  West, 576.59 feet;
2. thence continuing along the existing City Limits, North  $41^{\circ} 21' 40''$  East, 118.16 feet;
3. thence continuing along the existing City Limits, North  $68^{\circ} 39' 05''$  East, 402.10 feet;
4. thence leaving the existing City Limits, South  $00^{\circ} 44' 20''$  East, 385.57 feet;
5. thence North  $88^{\circ} 32' 40''$  East, 325.32 feet, to the East line of Section 23 and the center line of Lakewood Avenue;
6. thence along said Section line and center line, South  $00^{\circ} 44' 20''$  East, 324.25 feet, to the center line of 50.00 foot Scenic Drive;
7. thence along said center line, South  $78^{\circ} 01' 55''$  West, 601.90 feet;
8. thence South  $50^{\circ} 37' 08''$  West, 250.68 feet;
9. thence North  $50^{\circ} 05' 47''$  West, 25.51 feet;
10. thence North  $50^{\circ} 37' 08''$  East, 31.52 feet;
11. thence North  $00^{\circ} 44' 20''$  West, 137.39 feet, to the point of beginning, containing 10.490 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-743

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
THE MODESTO IRRIGATION DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and the Modesto  
Irrigation District

for installation and maintenance of an 8 inch VCP sanitary sewer  
along the northwesterly side of Modesto Irrigation District Lateral  
No. 7 between Veneman Avenue and the extension of Prescott Road in  
Hollandia Estates Subdivision  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
July, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: Norrine Coyke  
NORRINE COYKE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-744

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
STANISLAUS COUNTY TO SUBSIDIZE A DIAL-A-RIDE SERVICE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Stanislaus  
County

for a jointly subsidized handicapped Dial-a-Ride 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  
July, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-745

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JACK E. AND MARY J. TAYLOR FOR THE DONATION OF RIGHT OF WAY NEEDED FOR SUNRISE-LUCERN TO NORWEGIAN PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Jack E. Taylor for the donation of right of way needed for the Sunrise-Lucern to Norwegian project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-746

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS K. AND KAREN A. STRECKFUS FOR THE DONATION OF RIGHT OF WAY NEEDED FOR SUNRISE-LUCERN TO NORWEGIAN PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Thomas K. Streckfus for the donation of right of way needed for Sunrise-Lucern to Norwegian project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

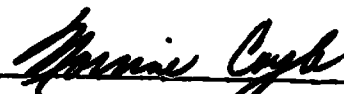
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-747

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND THE JOHN MUIR INSTITUTE FOR ENVIRONMENTAL STUDIES, INC. FOR PEST CONTROL RESEARCH

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and The John Muir Institute for Environmental Studies, Inc. for the third year of research to be undertaken to control, with a minimal use of chemical insecticides, insect pests on ornamental trees be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1978, by Councilmember Siefkin who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: Lang

ABSENT: Councilmembers: Kullijian

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-748

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND H. ESMAILI AND ASSOCIATES, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and H. Esmaili and Associates, Inc. to furnish necessary water quality investimation of the Tuolumne River in the vicinity of the proposed Phase III portion of Tuolumne River Regional Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-749

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARTHUR E. AND ANNE K. WITTRIEH FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1512 MORENE WAY**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. Arthur E. Wittrien for sewer service to property outside City limits at 1512 Morene Way, located on the east side of Morene Way, north of Coolidge 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 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

- |                |                        |  |
|----------------|------------------------|--|
| <b>AYES:</b>   | <b>Councilmembers:</b> | Dunlap, Lang, Mensinger, Siefkin, Mayor Davies |
| <b>NOES:</b>   | <b>Councilmembers:</b> | None   |
| <b>ABSENT:</b> | <b>Councilmembers:</b> | Elliott, Kullijian                             |

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-750

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JERRY AND DORIS MORRIS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 2118 WOODLAND AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. Jerry Morris

for sewer service to property outside City limits at 2118 Woodland Avenue, located on the south side of Woodland Ave. between Rosemore Avenue and Yellowstone 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 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-751

A RESOLUTION AMENDING THE 1978-79 OPERATING BUDGET TO APPROPRIATE AN AMOUNT FOR THE JUNIOR GOLF PROGRAM.

WHEREAS, a balance of \$1,856.25 is held in the City Trust Fund (Fund No. 601) resulting from net proceeds of Celebrity Golf Tournaments, and a donation from Frank Maroney, and

WHEREAS, said amount is to be used for an instructional golf program for youth, and to promote a George Maroney Junior Golf Tournament, as approved by motion of the City Council October 1, 1973, and

WHEREAS, expenses for the youth golf program will amount to a total of \$275.00 for the fiscal year 1978-79,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an amount of \$275.00 be transferred from the City Trust Fund (Fund No. 601) to the General Fund (Fund No. 101) Donations Account (Revenue Account No. 905).

BE IT FURTHER RESOLVED that said amount be appropriated in the General Fund (Fund No. 101), Recreation Division of the Parks and Recreation Department (Division No. 32) in the Junior Golf Program Account (Account No. 459).

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap who moved its adoption, which motion

being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-752**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN AMENDMENT TO  
THE MODESTO URBAN AREA GENERAL PLAN (CONSERVATION ELEMENT)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that August 14, 1978, at 7:30 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of the Planning Commission's  
recommendation on an amendment to the Modesto Urban Area General Plan  
(Conservation Element).

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
July, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Elliott, Kullijian

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-753**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN AMENDMENT TO  
THE MODESTO URBAN AREA GENERAL PLAN (NOISE ELEMENT)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that August 14, 1978 , at 7:30 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of the Planning Commission's  
recommendation on an amendment to the Modesto Urban General Plan  
(Noise Element).

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
July, 19 78, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Elliott, Kullijian

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 754

A RESOLUTION ACCEPTING GRANT OFFER FOR PROJECT  
NO. 6-06-0153-06, DEVELOPMENT OF MODESTO CITY-  
COUNTY AIRPORT/HARRY SHAM FIELD.

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. That the City of Modesto shall accept the Grant Offer of the United States of America in the amount of \$169,194 for the purpose of obtaining Federal aid under Project No. 6-06-0153-06 in the development of Modesto City-County Airport/Harry Sham Field.

SECTION 2. That the City Manager of the City of Modesto is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Part II - Acceptance) on behalf of the City of Modesto, and the City Clerk is hereby authorized and directed to attest the signature of the City Manager and to impress the official seal of the City of Modesto on the aforesaid statement of Acceptance.

SECTION 3. A true copy of the Grant Offer referred to herein is attached hereto and made a part hereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California do hereby certify that the attached copy is a full, true, and correct copy of Resolution No. 78-754 adopted at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, and that the same is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City of Modesto this 17th day of July, 1978.

Signed *Norrine Coyle*  
City Clerk

(SEAL)

# GRANT AGREEMENT

## Part 1-Offer

Date of Offer JUN 22 1978

Modesto City-County Airport/Harry Sham Field <sup>Airport</sup>

Project No. 6-06-0153-06

Contract No. DOT FA78WE-4564

TO: City of Modesto, California  
(herein referred to as the "Sponsor")

FROM: The United States of America (acting through the Federal Aviation Administration, herein referred to as the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated February 27, 1978, for a grant of Federal funds for a project for development of the Modesto City-County Airport/Harry Sham Field Airport (herein called the "Airport"), together with plans and specifications for such project, which Project Application, as approved by the FAA is hereby incorporated herein and made a part hereof; and

WHEREAS, the FAA has approved a project for development of the Airport (herein called the "Project") consisting of the following-described airport development:

Construct three bay Crash/Fire/Rescue Equipment Building (approx. 4300 S.F.) including solar heating, utilities, landscaping, and access road (approx. 2000 S.Y.).

all as more particularly described in the property map and plans and specifications incorporated in the said Project Application;

WHEREAS, this project will not be completed during fiscal year 1978 and the total estimated cost of completion will be \$392,873.

NOW, THEREFORE, pursuant to and for the purpose of carrying out the provisions of the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1701), and in consideration of (a) the Sponsor's adoption and ratification of the representations and assurances contained in said Project Application, and its acceptance of this Offer as hereinafter provided, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and the operation and maintenance of the Airport as herein provided, THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States share of the allowable costs incurred in accomplishing the Project, 90 percent of the allowable project costs.

This Offer is made on and subject to the following terms and conditions:

1. The maximum obligation of the United States payable under this Offer shall be \$169,194.
  - 1a. Pursuant to Section 19 of the Airport and Airway Development Act, as amended, and at the sponsor's request, the FAA does hereby commit the United States to obligate an additional amount to this project for payment of its share of the cost, in accordance with the terms hereof, not to exceed the apportionment(s) made to the sponsor for FY 1979 pursuant to Section 15(a)(3)(A) of said Act, as amended, and subject to the restrictions now or hereinafter imposed on the FAA on use of such apportionment by, but not limited to, Appropriation Acts now or hereinafter enacted. The exact amount of this commitment will be established in an amendment to this grant that will be duly executed by the parties hereto when such computation and obligation can be made in FY 1979. It is further understood by the parties hereto that this commitment does not in itself obligate, preclude nor restrict the FAA in the use of any funds made available for discretionary use under Section 15 of said Act to further aid the Sponsor in meeting the cost of this project under the terms of this agreement and limitations of law.

- 1b. In the event that funds for Fiscal Year 1979 and/or 1980 are used to increase the maximum obligation in accordance with Provision 1a above, then pursuant to Section 17 of said Act, the participation rate for the increase will be 80.59 per centum.

2. The sponsor shall:

- (a) begin accomplishment of the Project within 120 days after acceptance of this Offer or such longer time as may be prescribed by the FAA, with failure to do so constituting just cause for termination of the obligation of the United States hereunder by the FAA;
- (b) carry out and complete the Project without undue delay and in accordance with the terms hereof, the Airport and Airway Development Act of 1970, and Sections 152.51-152.63 of the Regulations of the Federal Aviation Administration (14 CFR 152) in effect as of the date of acceptance of this Offer; which Regulations are hereinafter referred to as the "Regulations";
- (c) carry out and complete the Project in accordance with the plans and specifications and property map, incorporated herein, as they may be revised or modified with the approval of the FAA.

3. The allowable costs of the project shall not include any costs determined by the FAA to be ineligible for consideration as to allowability under Section 152.47 (b) of the Regulations.
4. Payment of the United States share of the allowable project costs will be made pursuant to and in accordance with the provisions of Section 152.65-152.71 of the Regulations. Final determination as to the allowability of the costs of the project will be made at the time of the final grant payment pursuant to Section 152.71 of the Regulations: Provided that, in the event a semi-final grant payment is made pursuant to Section 152.71 of the Regulations, final determination as to the allowability of those costs to which such semi-final payment relates will be made at the time of such semi-final payment.

5. The Sponsor shall operate and maintain the Airport as Provided in the Project Application Incorporated herein and specifically covenants and agrees, in accordance with its Assurance 20 in Part V of said Project Application, that in its operation and the operation of all facilities thereof, neither it nor any person or organization occupying space or facilities thereon will discriminate against any person or class of persons by reason of race, color, creed or national origin in the use of any of the facilities provided for the public on the airport.
6. The FAA reserves the right to amend or withdraw this Offer at any time prior to its acceptance by the Sponsor.
7. This Offer shall expire and the United States shall not be obligated to pay any part of the costs of the Project unless this Offer has been accepted by the Sponsor on or before July 31, 1978, or such subsequent date as may be prescribed in writing by the FAA.
8. The Sponsor hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is paid for in whole or in part with funds obtained from the Federal Government or borrowed on the credit of the Federal Government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any Federal program involving such grant, contract, loan insurance, or guarantee the following Equal Opportunity clause.
  - (a) During the performance of this contract, the contractor agrees as follows:
    - (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, sex or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agree to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
    - (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor,

state that all qualified applicants will receive consideration for employment without regard to race, color, religion sex or national origin.

- (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The contractor will comply with all provisions of Executive Order 11246 of 24 September 1965, and of the rules and regulations, and relevant orders of the Secretary of Labor.
- (5) The contractor will furnish all information and reports required by Executive Order 11246 of 24 September 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (6) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of 24 September 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of 24 September 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- (7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of 24 September 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the administering

agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The Sponsor further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: provided, that if the applicant so participating is a state or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The Sponsor agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations and relevant orders of the Secretary of Labor; that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance; and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The Sponsor further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of 24 September 1965 with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or by the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the Sponsor agrees that if it fails or refuses to comply with these undertakings the administering agency may take any or all of the following actions: cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance guarantee); refrain from extending any further assistance to the Sponsor under the program with respect to which the failure or refund occurred until satisfactory assurance of further compliance has been received from the Sponsor; or refer the case to the Department of Justice for appropriate legal proceedings.

- (b) State and local governments intending to impose affirmative action hiring and/or training requirements on federally assisted construction already subject to federal minority hiring and/or training plans established pursuant to the Order shall submit such requirements to the Director prior to their inclusion in any federally assisted construction contracts. Such state or local government requirements will be deemed applicable to federally assisted construction contracts unless the Director, or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the federal minority hiring and/or training plan (either voluntary or imposed) in the area. The state or local government affirmative action hiring and/or training requirements shall not be included in federally assisted construction contracts until the Director, or in the case of an appeal, the Assistant Secretary, has had an opportunity to make a determination in accordance with this paragraph. The Director shall make his determination within 60 days of his receipt of the state or local government's submission, which should include the pertinent affirmative action hiring and/or training requirements and supporting data. The Director may also request the state or local government to supply information and data necessary for his determination. The Director's determination shall be communicated directly to the state or local governmental body by registered mail, return receipt requested, together, in the case of an adverse determination, with a notification of its right to appeal to the Assistant Secretary. The Director's determination shall also be announced in a Federal Register notice, which shall also indicate that the state or local government, and any other persons or groups affected by the Director's determination, including construction trades contractors, labor organizations, associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal such determination to the Assistant Secretary by requesting a hearing within 21 days of the publication of the Federal Register notice. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the Federal Register to inform all other persons, organizations and other entities affected by the

Director's determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 80 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision, the rulings and recommended decisions of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision. In determining whether state or local government affirmative action hiring and/or training requirements are inconsistent with the Order or incompatible with the effective implementation of the applicable federal minority hiring and/or training plan in the area, at least the following factors shall be considered under this subparagraph: (i) the impact of the state or local government requirements on the successful implementation of the federal plan in the area; (ii) the minority population in the area to be covered by the state or local government plan; (iii) the minority manpower utilization in the area construction industry, on a trade-by-trade basis; (iv) the availability of minorities for employment in the area construction industry; (v) the need and availability of training programs in the area construction industry; (vi) the projected growth and attrition factors of the area construction industry in the near future; (vii) available procedures to ensure that contractors, subcontractors and others are provided with notice and a full opportunity to contest allegation of noncompliance; and (viii) assurances that the state or local government minority hiring and/or training requirements are not intended and shall not be used to discriminate against any qualified person on the basis of race, color, religion, sex or national origin. State and local governments are encouraged: to participate in the formulation and implementation of federal minority hiring and/or training plans consonant with the aforementioned criteria in areas currently without such plans; to enforce their fair employment practices laws with respect to acts of discrimination affecting federally assisted construction; and to assist the administering federal agency in monitoring the compliance of contractors and subcontractors performing on federally assisted projects. For purposes of this subparagraph, "Assistant Secretary" means the Assistant Secretary for Employment Standards or his designee.

9. The Sponsor will send a copy of all invitations for bids, advertised or negotiated, for concessions or other businesses at the airport to the appropriate Office of Minority Business Enterprise (OMBE) representative as identified by the FAA Regional Civil Rights Office.

The Sponsor will disclose and make information about the contracts, contracting procedures and requirements available to the designated OMBE representative and minority firms on the same basis that such information is disclosed and made available to other organizations or firms. Responses by minority firms to invitations for bids shall be treated in the same manner as all other responses to the invitations for bids.

Compliance with the preceding paragraph will be deemed to constitute compliance by the Sponsor with requirements of 49 CFR 21 Appendix C(A)(1)(X), Regulations of the Office of the Secretary of Transportation.

10. It is understood and agreed that the Sponsor will provide for FAA employees adequate parking accommodations satisfactory to the Administrator at all FAA technical facilities (Air Navigation and Air Traffic Control facilities) located on the airport. It is further understood and agreed that Sponsor will provide, without cost, adequate land for the purpose of parking all official vehicles of the FAA (government and privately owned when used for FAA business) necessary for the maintenance and operation of the FAA facilities on the airport. Such land shall be adjacent to the facilities served.
11. It is understood and agreed that the Sponsor shall comply with the revised Administration requirements to FAR Part 152 as set forth in the May 31, 1974, issue of the Federal Register, Volume 39, No. 106. It is further agreed that the Sponsor shall comply with the assurances contained in FAA Form 5100-100.
12. It is understood and agreed by and between the parties hereto that pursuant to FAR Part 152, Section 152.64, the FAA may by written notice terminate or suspend this Grant in whole or in part, or withhold payment if it finds that the Sponsor has failed to comply with any of the terms or conditions of the Grant or if it finds that continuation of the project would not produce beneficial results.
13. It is understood and agreed by and between the parties hereto that the Sponsor shall comply with the reporting requirements set forth in FAR Part 152, Section 152.66.
14. Assurance Number 18 of Part V of the project application incorporated herein is amended by including at the end of the second sentence the following language:

"including the requirement that (A) each air carrier, authorized to engage directly in air transportation pursuant to Section 401 or 402 of the Federal Aviation

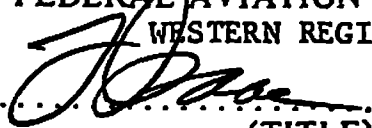
Act of 1958, using such airport shall be subject to nondiscriminatory and substantially comparable rates, fees, rentals, and other charges and nondiscriminatory and substantially comparable rules, regulations, and conditions as are applicable to all such air carriers which make similar use of such airport and which utilize similar facilities, subject to reasonable classifications such as tenants or nontenants, and combined passenger and cargo flights or all cargo flights, and such classification or status as tenant shall not be unreasonably withheld by any sponsor provided an air carrier assumes obligations substantially similar to those already imposed on tenant air carriers, and (B) each fixed-base operator using a general aviation airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-base operators making the same or similar uses of such airport utilizing the same or similar facilities; provision (A) above, shall not require the reformation of any lease or other contract entered into by a sponsor before July 12, 1976; Provision (B) above, shall not require the reformation of any lease or other contract entered into by a sponsor before July 1, 1975."

15. It is understood and agreed that no part of the Federal share of an airport development project for which a grant is made under the Airport and Airway Development Act of 1970, as amended (49 U.S.C. 1701 et seq.), or under the Federal Airport Act, as amended (49 U.S.C. 1101 et seq.), shall be included in the rate base in establishing fees, rates, and charges for users of the airport.
16. This project and all work performed thereunder is subject to the Clean Air Act and the Federal Water Pollution Control Act. Accordingly,
  - (a) The sponsor hereby stipulates that any facility to be utilized in performance under the grant or to benefit from the grant is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities.
  - (b) The sponsor agrees to comply with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act and all regulations issued thereunder.
  - (c) The sponsor shall notify the FAA of the receipt of any communication from the EPA indicating that a facility to be utilized for performance of or benefit from the grant is under consideration to be listed on the EPA List of Violating Facilities.

- (d) The Sponsor agrees that he will include or cause to be included in any contract or subcontract under the Grant which exceeds \$100,000 the criteria and requirements in these subparagraphs (a) through (d).
17. The Grantee agrees to effectuate the purposes of Section 30 of the Airport and Airway Development Act of 1970, as amended, by assuring that minority business enterprises shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds provided under this agreement. For the purposes of this provision, "minority business enterprise" means a business enterprise that is owned by, or is controlled by, a socially or economically disadvantaged person or persons. Such disadvantage may arise from cultural, racial, religious, sex, national origin, chronic economic circumstances or background or other similar cause. Such persons may include, but are not limited to, blacks not of Hispanic origin; persons of Hispanic origin; Asians or Pacific Islanders; American Indians; and Alaskan natives. Grantee further agrees to comply with such regulations as may be issued by the Federal Aviation Administration to implement Section 30 of the Act.
18. The Federal Government does not now plan or contemplate the construction of any structures pursuant to Paragraph 27 of Part V - Sponsor's Assurances - of the Project Application dated February 27, 1978, and, therefore, it is understood and agreed that the Sponsor is under no obligation to furnish any areas or rights without cost to the Federal Government under this Grant Agreement. However nothing contained herein shall be construed as altering or changing the rights of the United States and/or the obligations of the Sponsor under prior Grant Agreements to furnish rent-free space and/or such estates or interests in such land or rights in buildings for the activities specified in such agreements.
19. Notwithstanding the inclusion, in the approved plans and specifications for the development to be accomplished hereunder, of certain items and/or portions of items associated with the construction of the CFR building and associated work items which may be determined to be ineligible for Federal participation, it is understood and agreed by and between the parties hereto that said items and/or portions of items that are ineligible for Federal participation are described in the FAA letter dated June 2, 1978.
20. It is understood and agreed by and between the parties hereto that this Grant Offer is made and accepted upon the basis of preliminary plans and specifications; and the parties hereby covenant and agree that within 60 days from the date of acceptance of this Grant Offer the Sponsor shall furnish final plans and specifications to the FAA and that no construction work will be commenced hereunder nor will there be any advertisement for bids for accomplishment of such work until the said final plans and specifications have been approved by the FAA; and the parties do hereby further covenant and agree that any reference made in this Grant Offer or in the aforesaid Project Application to plans and specifications shall be considered as having reference to said final plans and specifications as so approved.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as herein-after provided, and said Offer and Acceptance shall comprise a Grant Agreement, as provided by the Airport and Airway Development Act of 1970, constituting the obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and the operation and maintenance of the Airport. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer and shall remain in full force and effect throughout the useful life of the facilities developed under the Project but in any event not to exceed twenty years from the date of said acceptance.

UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION  
WESTERN REGION

By  .....  
(TITLE)

Chief, Airport District Office, SFO-600

Part II-Acceptance

The City of Modesto, California does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer and does hereby accept said Offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this..... day of ....., 19.....

..CITY OF MODESTO, CALIFORNIA.....  
(Name of Sponsor)

(SEAL)

By .....  
Title .....

Attest: .....  
Title:.....

CERTIFICATE OF SPONSOR'S ATTORNEY

I, ....., acting as Attorney for ..City of Modesto, California.,  
(herein referred to as the "Sponsor") do hereby certify:

That I have examined the foregoing Grant Agreement and the proceedings taken by said Sponsor relating thereto, and find that the Acceptance thereof by said Sponsor has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of ..... California ....., and further that, in my opinion, said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at .....this..... day of ....., 19.....

.....  
Title .....

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-755

A RESOLUTION AMENDING THE 1978-79 FINAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FOR INCREASED APPROPRIATIONS AND REVENUE ESTIMATES IN THE AMOUNT OF \$322,000 TO PROVIDE FOR INCREASED COSTS OF THE AIRPORT FIRE CRASH RESCUE FACILITIES.

WHEREAS, \$15,545 was appropriated and spent on the Airport Fire Crash Rescue Facilities in Fiscal Year 1977-78, and

WHEREAS, the 1978-79 fiscal year budget of the City of Modesto appropriated \$164,455 in Capital Account No. 6473-04 of the Airport Fund for construction of the Airport Fire Crash Rescue Facilities, and

WHEREAS, the total cost of the project is estimated to be \$502,000 leaving a balance of \$322,000 not yet appropriated, and

WHEREAS, financing of the total project cost of \$502,000 is available from the Federal Aviation Agency, the County of Stanislaus, and the City of Modesto's Special Fund for Capital Outlay,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the following changes be made to the Final Budget of the City of Modesto for the Fiscal Year 1978-79:

A. Airport Fund (Fund 230)

1. Revenue of \$171,300 now estimated in Account 255, FAA Grants, be increased \$230,873 to \$402,173.

2. Revenue of \$132,419 now estimated in Account 941, Revenue by Transfer, be increased by \$91,127 to \$223,546.

3. Appropriations of \$164,455 now shown in Capital Account No. 6473-04, Fire Crash Rescue Facilities, be increased \$322,000 to \$486,455.

B. Special Aviation Fund (Fund No. 306)

1. Revenue of \$132,415 now estimated in Account No. 941, Revenue by Transfer be increased \$45,564 to \$177,979.

2. Revenue of \$45,350 now estimated as revenue in Account No. 223, County Airport Apportionment, be increased \$45,563 to \$90,913.

3. Appropriations of \$54,000 shown in Account No. 940, Expenditure by Transfer, be increased \$91,127 to \$145,127.

C. Special Fund for Capital Outlay (Fund No. 321)

1. Appropriations of \$329,926 now shown in Account 60-800 be decreased by \$45,564 to \$284,362.

2. Appropriations of \$284,000 now shown in Account No. 940, Expenditure by Transfer, be increased \$45,564 to \$329,564.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Kullijian

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-756

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LOCAL VETERINARIANS TO EXECUTE A SPAY AND NEUTER PROGRAM FOR CATS AND DOGS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and local veterinarians wishing to participate in the program for the execution of a spay and neuter program for cats and dogs be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 July, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-757

A RESOLUTION APPROVING APPROPRIATION TRANSFER FOR THE PURPOSE  
OF FUNDING THE CAT PORTION OF THE SPAY AND NEUTER AGREEMENT

BE IT RESOLVED by the Council of the City of Modesto that the  
following appropriation transfer(s) are approved:

FROM:	General Reserve (60-800-101)	\$5,000
TO:	Spay-Neuter Subsidy (235-02-223-101)	\$5,000

A question of legality was raised regarding funding cat  
spay and neutering from funds which had been appropriated  
from dog licensing fees. It was advised that cat spay  
and neuter subsidies be appropriated from a separate  
source.


The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 17th day of  
July, 19 78, by Councilmember Siefkin, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensing, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: Kullijian

ATTEST:

  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-758

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF A SPRINKLER SYSTEM AND  
BASEMENT ACCESS DOOR TO THE CITY HALL ANNEX AS COMPLETE**

WHEREAS, a report has been filed by the Director of Public Works that the construction of a sprinkler system and basement access door to the City Hall Annex has been completed by Acme Construction Company

in accordance with the contract agreement dated January 3, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of a sprinkler system and basement access door to the City Hall Annex be accepted from said contractor, Acme Construction Company

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$18,560.00 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 17th day of July, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-759

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN LINCOLN  
SQUARE NO. 7 AS COMPLETE**

WHEREAS, a report has been filed by the Director of Public Works  
that the construction of waterlines in Lincoln Square  
No. 7

has been completed by Mac's Backhoe Service

in accordance with the contract agreement dated May 15, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
waterlines in Lincoln Square No. 7

be accepted from said contractor, Mac's Backhoe Service;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$34,482.10  
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 17th day of  
July, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensing, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-760**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL BY LOCAL 748, TEAMSTERS, TO A DECISION BY THE BOARD OF BUILDING APPEALS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that August 21, 1978, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Local 748, Teamsters, to a decision by the Board of Building Appeals regarding the building at 1222 "J" Street.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-761**

**A RESOLUTION ACCEPTING THE BID OF MOTOR PARTS DISTRIBUTORS FOR  
FURNISHING AUTOMOTIVE PARTS - 1978/79 FISCAL YEAR**

**WHEREAS, Resolution No. 78-549 , adopted by the Council of the  
City of Modesto on June 5, 1978 , approved the plans and speci-  
fications for the furnishing of automotive parts for jobber discounts -  
fiscal year 1978-79**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of automotive parts  
for jobber discounts - fiscal year 1978-79  
were opened at 2:00 p.m. on June 20, 1978, 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 Motor Parts Distributors**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Motor Parts Distributors**

**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 24th day of July,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-762**

**A RESOLUTION ACCEPTING THE BID OF MODESTO AUTO PARTS FOR FURNISHING  
AUTOMOTIVE PARTS - 1978/79 FISCAL YEAR**

**WHEREAS, Resolution No. 78-549 , adopted by the Council of the  
City of Modesto on June 5, 1978 , approved the plans and speci-  
fications for the furnishing of automotive parts for jobber discounts -  
fiscal year 1978-79**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of automotive parts  
for jobber discounts - fiscal year 1978-79  
were opened at 2:00 p.m. on June 20, 1978 and later tabulated  
by the Director of Finance for the consideration of the  
Council, and**

**WHEREAS, the Director of Finance has recommended that  
the bid of Modesto Auto Parts**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Modesto Auto Parts**

**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 24th day of July,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-763

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF IMPROVEMENTS OF ORANGEBURG AVENUE AT MODESTO IRRIGATION DISTRICT LATERAL NO. 4**

WHEREAS, a report has been filed by the Director of Public Works that the construction of improvements of Orangeburg Avenue at Modesto Irrigation District Lateral No. 4 has been completed by The Flintkote Company

in accordance with the contract agreement dated October 24, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of improvements of Orangeburg Avenue at Modesto Irrigation District Lateral No. 4 be accepted from said contractor, The Flintkote Company;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$113,555.54 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 July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-764

A RESOLUTION ACCEPTING THE CONSTRUCTION OF CITY HALL EXPANSION 1977

WHEREAS, a report has been filed by the Director of Public Works that the construction of City Hall expansion, 1977

has been completed by R. G. Fisher Company

in accordance with the contract agreement dated March 14, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of City Hall expansion, 1977

be accepted from said contractor, R. G. Fisher Company;

that notice of completion be filed with the Recorder of Stanislaus County upon certification from the Director of Public Works that the work is complete and that payment of amounts due in the amount of \$1,373,423.95

as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-765

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, REZONING CERTAIN PROPERTY LOCATED THEREON. (WOLVERINE BUILDING SERVICE)

WHEREAS, on July 24, 1978, the City Council introduced Ordinance No. 1755 C. S. giving approval to a project relating to an amendment to Section 27-3-9 of the Zoning Map of the City of Modesto, to rezone certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2., and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 27-3-9 of the Zoning Map of the City of Modesto, to rezone certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Ellicott, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-766

A RESOLUTION OVERRULING THE RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND SECTION 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, PROPERTY LOCATED ON THE NORTH SIDE OF WEST ROSEBURG AVENUE, EAST OF TULLY ROAD, AND DENYING THE APPLICATION FOR SAID REZONING. (LAND BANK FINANCIAL SERVICES)

WHEREAS, a verified application for an amendment to Section 20-3-9 of the Zoning Map was filed by Land Bank Financial Services on February 14, 1978, to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the north side of West Roseburg Avenue, east of Tully Road described as follows:

All that real property situated in the State of California, County of Stanislaus described as follows:

The East 87.5 feet of the East 264.0 feet of the South half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian,

and

WHEREAS, said application was set for a public hearing before the Planning Commission at its regular meeting on June 20, 1978, in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, thereafter the Commission adopted Resolution No. 78-105 recommending to the Council an amendment to Section 20-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property, as requested by the applicant, and

WHEREAS, said matter was set for a 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, on July 24, 1978, at which time evidence both oral and documentary was taken and introduced, and

WHEREAS, the City Council certifies it has received and reviewed 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, and

WHEREAS, after said public hearing, the Council of the City of Modesto determined that the proposed rezoning from Single Family Residential Zone, R-1, to Medium Density Residential Zone, R-2, should be denied for the following reasons:

- (1) The subject property is a long and narrow parcel bordered on two sides by alleys which are used extensively by children going to and from nearby schools.
- (2) The size and shape of the subject property, if developed for R-2 density uses using the alleys for vehicular access, could create safety problems in said alleys.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the proposed rezoning, as recommended by the Planning Commission in its Resolution No. 78-105, to rezone from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, of the above described property, be denied for the reasons set forth above.

BE IT FURTHER RESOLVED that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to the denial of an amendment to Section 20-3-9 of the Zoning Map of the City of Modesto to rezone certain property located thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Land, who moved its adoption, which motion being duly seconded by Councilmember

Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kulljian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *John L. Kelly*  
Department of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-767

A RESOLUTION AMENDING DRAWING 3-J ENTITLED "STREETS - MATCHING PAVEMENT ON EXISTING STREET SECTION" OF THE "STANDARD SPECIFICATIONS OF THE CITY OF MODESTO" DATED 1975.

WHEREAS, the Planning Commission of the City of Modesto by Resolution No. 78-124, dated July 5, 1978, has recommended to the City Council that Drawing 3-J entitled "Streets - Matching Pavement on Existing Street Section" of the "Standard Specifications of the City of Modesto" dated 1975, be amended, and

WHEREAS, the Council of the City of Modesto desires to amend Drawing 3-J entitled "Streets - Matching Pavement on Existing Street Section" of the Standard Specifications of the City of Modesto" dated 1975, copies of which are on file in the offices of the City Clerk, Planning Commission and City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Drawing 3-J entitled "Streets - Matching Pavement on Existing Street Section" of the "Standard Specifications of the City of Modesto" dated 1975, copies of which are on file in the offices of the City Clerk, Planning Commission and City Engineer, be amended as shown on said amended Drawing 3-J, and that Drawing 3-J attached hereto, marked Exhibit "A" be made a part hereof by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Siefkin, who moved its adoption, which motion

being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin

NOES: Councilmembers: Kullijian, Lang, Mayor Davies

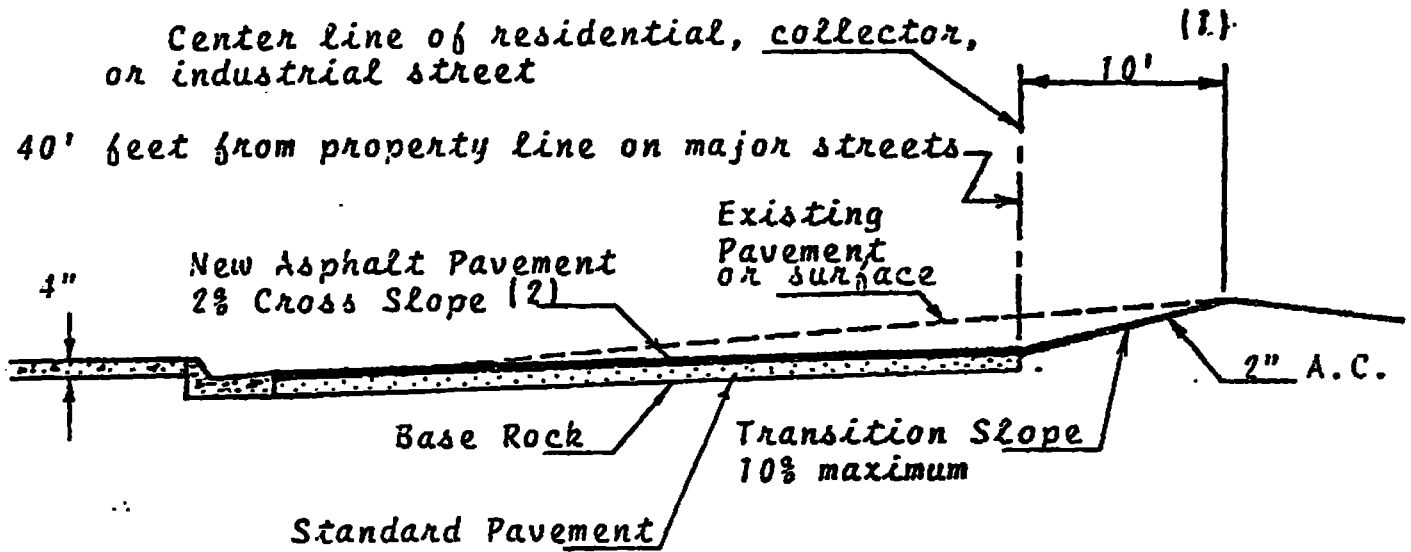
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney



**NOTES:**

1. Transitions requiring work beyond the center line shall be done by the Developer.
2. With written permission from the Engineer, a maximum cross slope of 4% may be permitted.
3. Where existing grades cannot be met, the Engineer may approve alternate proposals such as developer posting a cash bond for his portion of the street.
4. The maximum width of standard improvements required shall be 40 feet. The maximum width of transition pavement shall be 10' (feet).

REVISION			
APPROVED BY CITY COUNCIL		Streets Standard Pavement	
		ON EXISTING STREET SECTION	
DIRECTOR OF PUBLIC WORKS		CITY OF MODESTO DEPARTMENT OF PUBLIC WORKS	
RE 19606		DRAWN BY RS DATE DRAWING NO. 3-J	

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-768

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE BURBANK-PARADISE  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Burbank-Paradise  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as California-Panama Addition  
by Resolution No. 77-1198 adopted on November 14,  
1977, and said addition officially became a part of the City of  
Modesto on December 30, 1977, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Burbank-Paradise Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1977.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

BE IT FURTHER RESOLVED that Resolution No. 78-198 adopted by the Modesto City Council on February 13, 1978, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By

Elwyn Johnson  
ELWYN JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION,

By

[Signature]  
Public Works Department

BURBANK FIRE DISTRICT

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeast corner of the CALIFORNIA-PANAMA ADDITION (364), as per description filed December 30, 1977, as Instrument 42193, Stanislaus County Records;

1. thence along the existing City Limits and the center line of 40.00 foot Houser Lane, South 89° 44' 43" West, 314.00 feet;
2. thence continuing along the existing City Limits, North 00° 04' 17" West, 200.00 feet;
3. thence continuing along the existing City Limits, South 89° 55' 00" West, 346.00 feet;
4. thence continuing along the existing City Limits, North 00° 04' 17" West, 1141.05 feet, to the center line of California Avenue, and the one quarter section line;
5. thence continuing along the center line of California Avenue, North 89° 55' 00" East, 660.00 feet;
6. thence along the existing City Limits and the center line of 40.00 foot Panama Drive, South 00° 04' 17" East, 1340.11 feet, to the point of beginning, containing 18.727 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-769

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE WOODLAND  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as California-Panama Addition  
by Resolution No. 77-1198 adopted on November 14,  
1977, and said addition officially became a part of the City of  
Modesto on December 30, 1977, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Woodland Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 77.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ronald Campbell  
Public Works Department

WOODLAND FIRE DISTRICT

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northwest corner of the CALIFORNIA-PANAMA ADDITION (364), as per description filed December 30, 1977, as Instrument 42193, Stanislaus County Records;

1. thence along the existing City Limits and the Northern line of said ADDITION (364), North 89° 55' 00" East, 660.00 feet;
2. thence continuing along the existing City Limits, South 00° 04' 17" East, 15.00 feet, to the center line of California Avenue, and the quarter section line;
3. thence along the center line of California Avenue and the quarter section line, South 89° 55' 00" West, 660.00 feet;
4. thence North 00° 04' 17" West, 15.00 feet, to the point of beginning, containing 0.227 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-770

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE BURBANK-PARADISE  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Burbank-Paradise  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Carpenter-Houser Addition  
by Resolution No. 78-142 adopted on January 23,  
1978, and said addition officially became a part of the City of  
Modesto on April 5, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Burbank-Paradise Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

BE IT FURTHER RESOLVED that Resolution No. 78-448 adopted by the Modesto City Council on May 1, 1978, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn E. Johnson  
ELWYN E. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

Ken Campbell  
Public Works Department

## BURBANK FIRE DISTRICT

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Northeastern corner of the CARPENTER-HOUSER ADDITION (372), as per description filed April 5, 1978, as Instrument 63081, Stanislaus County Records, said point being on the center line of 40.00 foot Houser Lane;

1. thence continuing along the existing City Limits along the center line of Houser Lane, South  $89^{\circ} 44' 43''$  West, 95.33 feet;
2. thence continuing along the existing City Limits, South  $00^{\circ} 13' 47''$  East, 288.63 feet;
3. thence continuing along the existing City Limits, North  $89^{\circ} 44' 43''$  East, 203.00 feet;
4. thence continuing along the existing City Limits, South  $00^{\circ} 07' 43''$  East, 936.26 feet, to the center line of 40.00 foot Chicago Avenue;
5. thence continuing along the existing City Limits and the center line of Chicago Avenue, South  $89^{\circ} 27' 18''$  West, 785.80 feet, to the Range Line and Western line of Section 31;
6. thence continuing along the existing City Limits and the Range Line, North  $00^{\circ} 50' 47''$  West, 1248.94 feet;
7. thence continuing along the existing City Limits and the Range Line, North  $00^{\circ} 51' 00''$  West, 1324.61 feet, to the center line of California Avenue;
8. thence along the center line of California Avenue, North  $89^{\circ} 55' 00''$  East, 693.00 feet;
9. thence South  $00^{\circ} 51' 00''$  East, 1342.48 feet, to the point of beginning, containing 42.376 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-771

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE WOODLAND  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Carpenter-Houser Addition  
by Resolution No. 78-142 adopted on January 23,  
1978, and said addition officially became a part of the City of  
Modesto on April 5, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Woodland Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

WOODLAND FIRE DISTRICT

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of the CARPENTER-HOUSE ADDITION (372), as per description filed April 5, 1978, as Instrument 63081, Stanislaus County Records;

1. thence along the existing City Limits and the Northern line of said ADDITION (372), North 89° 55' 00" East, 693.00 feet;
2. thence continuing along the existing City Limits, South 00° 51' 00" East, 15.00 feet, to the center line of California Avenue;
3. thence along the center line of California Avenue, South 89° 55' 00" West, 693.00 feet, to the Range Line and the West quarter corner of Section 31;
4. thence along the Range Line, North 00° 51' 00" West, 15.00 feet, to the point of beginning, containing 0.239 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-772

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE SALIDA  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Salida  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Veneman No. 2 Addition  
by Resolution No. 78-527 adopted on May 22,  
1978, and said addition officially became a part of the City of  
Modesto on June 27, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Salida Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Langford  
Public Works Department

## VENEMAN NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a corner of STANDIFORD-SNYDER ADDITION (360), as per description filed September 20, 1977 as Instrument 18800, Stanislaus County Records, said point being on the West line of Section 12;

1. thence along the existing City Limits and a Western line of said ADDITION (360), South  $00^{\circ} 42' 30''$  East, 954.13 feet, to a Southwest corner of said ADDITION (360) and the center line of 40.00 foot Standiford Avenue;
2. thence leaving the existing City Limits along said center line, South  $88^{\circ} 47' 00''$  West, 1631.58 feet, to a Northeast corner of CONANT NO. 1 ADDITION (294), as per description filed July 27, 1972 as Instrument 3721, Stanislaus County Records;
3. thence along the existing City Limits along said avenue and Northern line of said ADDITION (294), South  $88^{\circ} 47' 00''$  West, 1022.07 feet, to the Southeast corner of VENEMAN ADDITION (337), as per description filed January 16, 1976 as Instrument 31886, Stanislaus County Records;
4. thence continuing along the existing City Limits along the Eastern line of said ADDITION (337), North  $00^{\circ} 00' 44''$  East, 992.58 feet;
5. thence leaving the existing City Limits, North  $89^{\circ} 36' 48''$  East, 2110.46 feet, to a Southwest corner of STANDIFORD-SNYDER ADDITION (360);
6. thence along the existing City Limits, North  $89^{\circ} 36' 48''$  East, 530.64 feet to the point of beginning, containing 59.151 Acres, more or less.

82426 JUN 27 '78

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MODESTO CITY COUNCIL  
RESOLUTION NO. 78-773

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE WOODLAND  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Laurel Avenue Addition  
by Resolution No. 78-581 adopted on June 5,  
1978, and said addition officially became a part of the City of  
Modesto on June 28, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the Woodland Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Paul Campbell  
Public Works Department

## LAUREL AVENUE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeast corner of CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;

1. thence continuing along the Northern line of said ADDITION (103), and the Southern line of the Modesto Irrigation District Lateral No. 4, South  $64^{\circ} 25' 24''$  West, 48.03 feet;
2. thence continuing along the existing City Limits and Southern' line of Modesto Irrigation Lateral No. 4, North  $73^{\circ} 15' 36''$  West, 508.17 feet, to the Northwest corner of said ADDITION (103);
3. thence leaving the existing City Limits, North  $73^{\circ} 15' 36''$  West, 299.41 feet;
4. thence North  $01^{\circ} 04' 30''$  East, 484.22 feet, to the center line of 40.00 foot Laurel Avenue;
5. thence continuing along the center line of said avenue, South  $88^{\circ} 57' 30''$  East, 916.17 feet;
6. thence South  $01^{\circ} 04' 47''$  West, 633.28 feet;
7. thence South  $64^{\circ} 25' 24''$  West, 106.97 feet, along a Northern line of MAZE COURT ADDITION (42), as per description filed October 9, 1951, as Instrument 23639, Stanislaus County Records, to the point of beginning, containing 12.719 Acres, more or less.

82698 JUN 28 '78

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-774

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. ( VENEMAN NO. 2 ADDITION)

WHEREAS, there has been annexed to the City of Modesto on June 27, 1978, certain territory known as Veneman No. 2 Addition, and

WHEREAS, the inclusion of the area contained in Veneman No. 2 Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Veneman No. 2 Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 180.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, September 11, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 180.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The southeast corner of the annexation at the north line of Standiford Avenue.
- (2) The south line of the annexation at the north line of Veneman Avenue and the intersection with Bridle Path Lane.
- (3) The southwest corner of the annexation at the north line of Veneman Avenue.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 180, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Karl Sandell*  
Public Works Department

## VENEMAN NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a corner of STANDIFORD-SNYDER ADDITION (360), as per description filed September 20, 1977 as Instrument 18800, Stanislaus County Records, said point being on the West line of Section 12;

1. thence along the existing City Limits and a Western line of said ADDITION (360), South  $00^{\circ} 42' 30''$  East, 954.13 feet, to a Southwest corner of said ADDITION (360) and the center line of 40.00 foot Standiford Avenue;
2. thence leaving the existing City Limits along said center line, South  $88^{\circ} 47' 00''$  West, 1631.58 feet, to a Northeast corner of CONANT NO. 1 ADDITION (294), as per description filed July 27, 1972 as Instrument 3721, Stanislaus County Records;
3. thence along the existing City Limits along said avenue and Northern line of said ADDITION (294), South  $88^{\circ} 47' 00''$  West, 1022.07 feet, to the Southeast corner of VENEMAN ADDITION (337), as per description filed January 16, 1976 as Instrument 31886, Stanislaus County Records;
4. thence continuing along the existing City Limits along the Eastern line of said ADDITION (337), North  $00^{\circ} 00' 44''$  East, 992.58 feet;
5. thence leaving the existing City Limits, North  $89^{\circ} 36' 48''$  East, 2110.46 feet, to a Southwest corner of STANDIFORD-SNYDER ADDITION (360);
6. thence along the existing City Limits, North  $89^{\circ} 36' 48''$  East, 530.64 feet to the point of beginning, containing 59.151 Acres, more or less.

82426 JUN 27 '78

6

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on July 24, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Dunlap, seconded by Councilmember Lang, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED:

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-775

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (LAUREL AVENUE ADDITION)

WHEREAS, there has been annexed to the City of Modesto on June 28, 1978, certain territory known as Laurel Avenue          Addition, and

WHEREAS, the inclusion of the area contained in Laurel Avenue          Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Laurel Avenue          Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 179.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, September 11, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 179.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The northwest corner of the annexation at the south line of Laurel Avenue.
- (2) The northeast corner of the annexation at the south line of Laurel Avenue.
- (3) The southeast corner of the annexation at the south line of M.I.D. Lateral No. 4.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 179, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ros. Campbell*  
Public Works Department

## LAUREL AVENUE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeast corner of CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;

1. thence continuing along the Northern line of said ADDITION (103), and the Southern line of the Modesto Irrigation District Lateral No. 4, South  $64^{\circ} 25' 24''$  West, 48.03 feet;
2. thence continuing along the existing City Limits and Southern line of Modesto Irrigation Lateral No. 4, North  $73^{\circ} 15' 36''$  West, 508.17 feet, to the Northwest corner of said ADDITION (103);
3. thence leaving the existing City Limits, North  $73^{\circ} 15' 36''$  West, 299.41 feet;
4. thence North  $01^{\circ} 04' 30''$  East, 484.22 feet, to the center line of 40.00 foot Laurel Avenue;
5. thence continuing along the center line of said avenue, South  $88^{\circ} 57' 30''$  East, 916.17 feet;
6. thence South  $01^{\circ} 04' 47''$  West, 633.28 feet;
7. thence South  $64^{\circ} 25' 24''$  West, 106.97 feet, along a Northern line of MAZE COURT ADDITION (42), as per description filed October 9, 1951, as Instrument 23639, Stanislaus County Records, to the point of beginning, containing 12.719 Acres, more or less.

82698 JUN 28 '78

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on July 24, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Dunlap, seconded by Councilmember Lang, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED:

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-776

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND MAURICE E. AND ESTHER L. BOYD FOR THE PURCHASE OF 0.06+ ACRES OF RIGHT OF WAY NEEDED FOR CLAUS ROAD-YOSEMITE TO BRIGGSMORE PROJECT


BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Maurice E. Boyd for the purchase of 0.06+ acres of right of way needed for Claus Road - Yosemite to Briggsmore project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-777

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ROY AND MARY BIEDENWEG FOR THE DONATION OF RIGHT OF WAY NEEDED FOR THE ORANGEBURG-COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Roy Biedenweg for the donation of right of way needed for the Orangeburg-Collier to Coffee project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-778

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND GARY W. AND SANDY K. COOPER FOR THE DONATION OR RIGHT OF WAY NEEDED FOR THE SUNRISE - LUCERN TO NORWEGIAN PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Gary W. Cooper for the donation of right of way needed for the Sunrise - Lucern to Norwegian project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-779

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND E.D. AND ELAINE THOMPSON, HARVEY W. AND DEBBE HIGHLET, JEFFREY L. AND BARRY HIGHLET FOR WATER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 545 KANSAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and E.D. and Elaine Thompson, Harvey W. and Debbe Highlet, Jeffrey L. and Barry Highlet for water service to property outside City limits at 545 Kansas Avenue, located on the north side of Kansas Ave., between 9th St. and Barium 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 24th day of July, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-780

LEASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
BILL HUGHES DODGE FOR SUBLEASING PART OF THE 8TH STREET PARKING LOT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the <sup>lease</sup> /agreement between the City of Modesto and Bill Hughes Dodge  
for subleasing part of the 8th Street parking lot

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
July, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-781

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP (CHARLES AVERY)

WHEREAS, the Modesto City Planning Commission held a public hearing on July 5, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 21-3-9 of the Zoning Map, to rezone from R-2 to P-D to permit 32 detached 2-bedroom single-story cottages, property located on the north side of Coolidge Avenue between McHenry and Melrose Avenues the following described property:

All that real property situated in Section 21, Township 3 South, Range 9 East, Mt. Diablo Base and Meridian, in the City of Modesto described as follows:  
All of Parcel "C" as shown on map recorded in Book 25 of Parcel Maps, at Page 77, Stanislaus County Records.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-120 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 21-3-9 of the Zoning Map be set for August 14, 1978, at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-782

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 12-3-8 OF THE ZONING MAP (VINTAGE FAIRE DEVELOPMENT COMPANY)

WHEREAS, the Modesto City Planning Commission held a public hearing on July 5, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 12-3-8 of the Zoning Map to rezone from P-0 to P-D to allow professional office complex including a bank and savings and loan at the northeast corner of Dale Road and Veneman Avenue the following described property:

Parcel "A" as shown on that certain parcel map filed for record on December 2, 1977, in Book 26 of Parcel Maps, Page 26, Stanislaus County Records, and being a portion of the Northwest quarter of Section 12, Township 3 South, Range 8 East Mount Diablo Base and Meridian.

Including the Easterly 50 feet of Dale Road and the Northerly 30 feet of Veneman Avenue immediately adjacent to said Parcel "A".

Contains 3.502 acres net.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-119 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 12-3-8 of the Zoning Map be set for August 21, 1978, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-783

A RESOLUTION APPROVING THE FINAL MAP OF THE  
COLONIAL COMMONS NO. 3  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Robert P. Bomberger and Muriel F. Bomberger, husband  
and wife, and Harley D. Brannon and Norma F. Brannon, husband and wife

~~is~~ (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 16.777 acres, known as the  
Colonial Commons No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 17th day of  
January, 1978, 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 Colonial Commons No. 3  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-784  
INFORMAL

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER INFILL ZONING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that August 14, 1978, 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 infill zoning as a possible alternative to less than one acre P-D zoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-785**

**INFORMAL**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON THE IMPACT OF  
PROPOSITION 13 ON THE CITY'S ANNEXATION POLICY**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that August 14, 1978 , at 7:30 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of the impact of  
Proposition 13 on the City's annexation policy.**

**The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 24th day of  
July, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

**ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-786

A RESOLUTION ACCEPTING IMPROVEMENTS IN TOWERY PLAZA SUBDIVISION  
AND AUTHORIZING RELEASE OF INSTRUMENTS OF CREDIT

WHEREAS, Rule Development,  
subdividers of Towery Plaza Subdivision, have filed instruments  
of credit for faithful performance and labor and materials in the  
amount of \$168,000 and \$84,000 respectively to guarantee improvements  
in Towery Plaza Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated  
July 18, 1978, 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 Towery Plaza Subdivision are  
hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
Bond for faithful performance in the amount of \$168,000 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
Bond for labor and materials in the amount of \$84,000 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978 by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
~~NORRINE COYLE, City Clerk~~

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-787

A RESOLUTION ACCEPTING IMPROVEMENTS IN TIERRA PLAZA SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Tierra Development Company,  
subdividers of Tierra Plaza Subdivision, have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$116,300 and \$58,150 respectively to guarantee improvements  
in Tierra Plaza Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated  
July 18, 1978, 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 Tierra Plaza Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$116,300 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 \$58,150, 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 24th day of July, 1978 by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:**

*Norrine Coyle*  
~~NORRINE COYLE, City Clerk~~

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-788

A RESOLUTION ADOPTING THE MODESTO URBAN TRAILS PLAN

WHEREAS, it is the recommendation of the Planning Commission of the City of Modesto that the Modesto City Council adopt the Modesto Urban Trails Plan, a copy of which is on file in the office of the City Clerk, for the following reasons:

1. It is in the public interest to promote the use of non-motorized transportation for both commute and recreational uses.
2. A policy framework is needed to guide private and public actions relating to trails.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adoption of the Modesto Urban Trails Plan, a copy of which is on file in the office of the City Clerk, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-789

A RESOLUTION SETTING TIME AND PLACE FOR HEARING AN APPEAL BY DESIGN UNLIMITED OF A PLANNING COMMISSION DECISION REGARDING REZONING FROM P-D(133) TO A NEW P-D

BE IT HEREBY RESOLVED by the Council of the City of Modesto that August 28, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Design Unlimited of a Planning Commission decision regarding rezoning property on Standiford west of Tully Road from P-D(133) to a new P-D.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-790**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING AN APPEAL BY MID-CAL LAND DEVELOPMENT OF A PLANNING COMMISSION DECISION REGARDING REZONING FROM R-1 TO R-2**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that August 28, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Mid-Cal Land Development of a Planning Commission decision regarding rezoning from R-1 to R-2 property on Clogston Way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap, Mensinger

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-791

A RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO CONSIDER AN APPLICATION BY CABLECOM-GENERAL OF MODESTO, INC. FOR A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM WITHIN THE CITY OF MODESTO.

WHEREAS, Chapter 4 of Title XI of the Modesto Municipal Code sets forth the procedure for granting community antenna television franchises, and

WHEREAS, Cablecom-General of Modesto, Inc., a California corporation, has applied for a nonexclusive franchise to construct, operate and maintain a community antenna television system within the City of Modesto, and

WHEREAS, this Council desires to consider the granting of such a franchise,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. That the Council hereby declares its intention to consider an application by Cablecom-General of Modesto, Inc. for a nonexclusive franchise to construct, operate and maintain a community antenna television system within the City of Modesto.

2. That Monday, August 28, 1978, at 7:30 o'clock P. M. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby set as the time and place when and where any and all persons may appear before the Council and be heard on said application.

3. That the City Clerk is hereby directed to publish this resolution in the Modesto Bee, the official newspaper of the City of Modesto, at least once after the passage of this resolution.

4. That the name of the applicant for the franchise, the terms of the franchise, the amounts or percentages the Grantee shall pay to the City during the life of said franchise, limitations as to the time, place or type of service proposed, and other provisions of the proposed franchise are all set forth in the attached draft of "An Ordinance Granting to Cablecom General of Modesto, A California Corporation, A Nonexclusive Franchise To Construct, Operate And Maintain A Community Antenna Television System Within The City Of Modesto", which is marked Exhibit "A" and made a part hereof as though set forth in full herein.

5. That further information regarding said application, including copies of the proposed franchise, may be obtained at the Office of the City Clerk, City Hall, 801 11th Street, Modesto, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kulljian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE GRANTING TO CABLECOM GENERAL OF MODESTO, A CALIFORNIA CORPORATION, A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM WITHIN THE CITY OF MODESTO.

The Council of the City of Modesto does ordain as follows:

SECTION 1. Unless it shall be apparent from the context that they have a different meaning, the following words and phrases shall have the meaning herein specified:

- A. "GRANTEE" shall mean Cablecom General of Modesto, a California corporation.
- B. "FRANCHISE DOCUMENTS" shall mean and include all of the following:
  - (1) Article XIV of the Charter of the City of Modesto.
  - (2) Chapter 4 of Title XI of the Modesto Municipal Code as it now exists or as it may hereafter be amended.
  - (3) This ordinance.
  - (4) The Acceptance of CATV Franchise form signed by the Grantee.

SECTION 2. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 4 of Title XI of the Modesto Municipal Code, entitled "Procedure for Granting Community Antenna Television Franchises."

SECTION 3. Pursuant to the provisions of said Chapter 4 of Title XI of the Modesto Municipal Code, a nonexclusive franchise to construct, operate and maintain a CATV system within the City of Modesto, for a term of fifteen (15) years commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, is hereby

granted to Grantee with all the rights and privileges and subject to each and all of the terms, conditions and limitations as set forth in the Franchise Documents.

The area included within the nonexclusive franchise granted hereby includes all areas within the City Limits of the City of Modesto, including all territory heretofore and hereafter annexed thereto, except that the City Council reserves the right to exclude territory from the franchise area at the time it is annexed to the City.

In areas hereafter added to Grantee's franchise area, Grantee shall provide service within One hundred twenty (120) days after such an area becomes a part of Grantee's franchise area. The City Manager may, in his discretion, extend said time for undeveloped or remote, relatively inaccessible areas.

SECTION 4. The following schedule of maximum rates and charges which Grantee may charge subscribers to the CATV system is hereby approved:

A. Installation Charges

- (1) Commercial and Residential (Including individual service to multiple apartments and mobilehome spaces)

Primary television outlet, normal installation \$10.00

Additional television outlets

(a) When installed at same time as Primary--each No Charge

(b) When installed at different time--each \$5.00

FM radio outlets

(a) When installed at same time as TV primary outlet--each No Charge

(b) When installed at different time--each	\$5.00
(2) Hotels, Motels, Mobilehome Parks and Multiple Apartments (3 or more units)	
Primary television outlet, normal installation	Actual Cost of Installation
Additional television outlets--each	Actual Cost of Installation
FM radio outlets--each	Actual Cost of Installation

For special installations involving unusual construction problems, long aerial cable run (over 150 feet), underground cable, etc., actual additional cost of installation at subscriber's expense.

**B. Monthly Service Charges**

(1) Commercial and Residential (Including individual service to multiple apartments and mobilehome spaces)	
Primary television outlet	\$5.95
Additional television outlets--each	\$1.00
FM radio outlet (with TV service)--each	\$ .50
FM radio outlet (without TV service)	\$5.25
Additional FM outlets--each	\$ .50
(2) Hotels, Motels, Mobilehome Parks and Multiple Apartments (3 or more units)--per dwelling unit	
Primary television outlet	\$2.90
Additional television outlets--each	\$1.00
FM radio outlet (with TV service)--each	\$ .50
FM radio outlet (without TV service)	\$2.20
Additional FM outlets--each	\$ .50
TV dealer and licensed TV service shops, multiple outlets, regardless of number	No Charge

- C. Other Charges
- |   |           |
|---|-----------|
| (1) Relocation of existing outlet                             | \$5.00    |
| (2) Connection of new customer to existing television service | \$5.00    |
| (3) Disconnection of service                                  | No Charge |
- D. Converter charges (converter at option of subscribers)
- |  |         |
|--|---------|
| (1) Subscribers to have choice of following: |         |
| (a) Deposit refundable after 24 months       | \$17.50 |
| (b) Rental per month                         | \$ .45  |
- E. Subscribers shall receive a ten (10%) percent discount on service charges paid one year in advance.
- F. In areas where Grantee's system has been installed, if service is not provided to a new subscriber for a single-family dwelling within fifteen (15) days after an application for service is received in Grantee's Modesto office, accompanied by the applicable installation charges, Grantee shall provide said subscriber with free service for a period of six (6) months.
- G. In areas where Grantee's system has been installed, if service is not provided to a new subscriber for a multiple-family dwelling within forty-five (45) days or any extension thereof granted by the City Manager, after an application for service is received in Grantee's Modesto office accompanied by the applicable installation charges, Grantee shall provide said subscriber with free service for a period of six (6) months.

- H. In areas where Grantee's system must be extended to serve a subscriber in its franchise area, the system shall be constructed, installed and made operable so that service shall be provided either within thirty (30) days after an application for service or within one hundred twenty (120) days after the area in which the subscriber is located becomes a part of Grantee's franchise area, whichever is the later date.

After an application for service is received in Grantee's Modesto office, accompanied by the applicable installation charges, if service is not provided to such a subscriber within such time periods, or any extension thereof granted by the City Manager pursuant to Section 3 above, Grantee shall provide said subscriber with free service for a period of six (6) months.

- I. Subscribers may be assessed a delinquency charge of Two and no/100ths (\$2.00) Dollars for any service charges overdue by ten (10) days or more after the end of the period for which a billing is made, provided a delinquent notice is mailed at the end of said period.

Said schedule of rates and charges may be changed only with the prior approval of the City Council expressed by resolution.

SECTION 5. As consideration for the granting of this franchise and the rights and privileges thereof, Grantee shall, during the term hereof, pay a sum equal to three (3%) percent of the gross annual subscriber receipts of Grantee, in accordance with the provisions of Chapter 4 of Title XI of the Modesto Municipal Code.

SECTION 6. Grantee shall comply with all the Technical Performance Standards set forth in Section 11-4.17 of the Modesto Municipal Code, as it now exists or may hereafter be amended, except as hereinafter specified:

A. Section 11-4.17 (a) (17) shall not apply to Grantee until July 1, 1978. From the effective date of this ordinance until said date, Grantee's CATV system shall, as a minimum, be capable of operating in full compliance with the applicable Modesto Municipal Code requirements, over the radio frequency spectrum from 54 to 120 MHz inclusive, and from 174 to 216 MHz inclusive. During this interim period, the system shall be capable of a minimum of twelve (12) channel operation.

B. Section 11-4.17 (c) - Local Origination Studio. Grantee's existing color studio cameras, on the effective date of this ordinance, do not meet the minimum standards required for color studio cameras. These existing color studio cameras may remain in use and satisfy the Modesto Municipal Code color studio camera requirements for the remainder of their useful life or until July 1, 1983, whichever occurs first. By said date Grantee's color studio cameras shall meet all technical performance standards set forth in the Modesto Municipal Code. In the interim period, Grantee's existing color studio cameras shall meet the camera manufacturer's published specifications.

C. Section 11-4.17 (d) - Portable Color Production System. Grantee's existing black and white portable production system, on the effective date of this ordinance, does not meet the minimum standards required for portable color production system. This existing black and white portable production system may remain in use and satisfy the Modesto Municipal Code portable color production system requirements for the remainder of its useful life or until July 1, 1982, whichever occurs first. By said date Grantee's portable color production

system shall meet all technical performance standards set forth in the Modesto Municipal Code. In the interim period, Grantee's existing black and white portable production system shall meet the manufacturer's published specifications.

SECTION 7. Grantee shall provide public access and education channels as follows:

A. Grantee shall provide use of a standard low band or high band VHF channel FCC (2-13) as a public access channel which meets the minimum standards specified in Section 11-4.17(b) of the Modesto Municipal Code and rules contained within FCC Rules and Regulations 76.256(d)(1). Said FCC Rules and Regulations require first-come, nondiscriminatory access and prohibit the presentation of: any advertising material designed to promote the sale of commercial products or services (including advertising by or on behalf of candidates for public office), lottery information, and obscene or indecent matter. A complete public record of the names and addresses of all persons or groups requesting access time shall be made and retained for a period of two (2) years.

B. Grantee shall provide use of a standard low band or high band VHF channel (2-13) as a "public" educational channel which meets the minimum standards specified in Section 11-4.17(b) of the Modesto Municipal Code. School districts within Grantee's franchise area will have priority use of the channel subject to advance scheduling with Grantee. Access to this channel shall be provided by Grantee at Grantee's local origination studio and from the East Campus of the Modesto Junior College at the campus headend facilities. Grantee shall provide the Modesto Junior College with direct access to said channel .

by automatic remote switching capability from said campus headend facilities. All equipment and inter-campus and intra-campus cabling at the Modesto Junior College shall be the responsibility of the Modesto Junior College.

C. Three (3) of the mid-band channels required by Section 11-4.17(a)(17) of the Modesto Municipal Code shall be for exclusive use of the schools. Programming on these channels shall be scheduled by the school districts within Grantee's franchise area acting jointly.

D. For educational programming, an operating agreement shall be entered into by the Grantee and participating school districts defining the responsibilities of both parties with regard to, but not limited to, the use of production facilities, supervision of educational access, payment for damage to Grantee's equipment, and responsibility for engineering activities. The City of Modesto reserves the right to participate in and/or witness the drawing of this agreement. In the event of a dispute over drafting of an agreement or its implementation, the City shall have final authority.

SECTION 8. Grantee shall provide a television signal return capability from the following locations of the type shown and by the dates or times shown:

	<u>Date</u>
A. Modesto City Council Chambers (VHF)	From the effective date of this ordinance.
B. Modesto City Fire Station No. 1 (Mid-band)	From the effective date of this ordinance.
C. Headend facilities of the East Campus of the Modesto Junior College (VHF)	From the effective date of this ordinance.
D. Modesto City Fire Department Training Facility (Mid-band)	December 31, 1978.
E. Stanislaus County Board of Supervisors Chambers (VHF)	December 31, 1979.

- |    |  |  |
|----|--|--|
| F. | Stanislaus County Department of Education<br>Instructional Materials Center (Mid-band) | September 1, 1980.   |
| G. | Downey High School (Room One) (Mid-band)   | September 1, 1980.   |
| H. | Modesto High School Auditorium (VHF)   | September 1, 1981.   |
| I. | Modesto Community Center (VHF)   | <i>Completion of the Modesto<br/>Community Center or each<br/>phase thereof.</i> |

SECTION 9. Grantee's CATV system shall carry those television channels (broadcast signals) for which they are certified by the FCC and may carry other channels which are legally permissible.

SECTION 10. The CATV system herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by this ordinance and Chapter 4 of Title XI of the Modesto Municipal Code and no other purpose whatsoever, unless prior approval is given by the City Council expressed by resolution.

SECTION 11. All of the franchise documents pertaining to the within franchise are hereby incorporated by reference into this ordinance, and shall be deemed to be a part of this ordinance.

SECTION 12. In addition to the provisions of Chapter 4 of Title XI of the Modesto Municipal Code, in the event Grantee has failed to comply with any material provisions of the franchise documents, the City shall have the right to acquire the property and equipment of Grantee at a value which is equal to the initial cost of the various items of property and equipment less accumulated depreciation less any liens or encumbrances against such property and equipment outstanding as a result of any contracts or agreements entered into by Grantee.

In the event the City exercises this right or its right of eminent domain, Grantee shall continue to operate the system, subject to the direction and account of the City, so as to prevent interruption of service to subscribers until the acquisition can be completed.

SECTION 13. This ordinance shall supersede and replace Ordinance No. 934-C. S., as amended by Ordinance No. 1337-C. S.

SECTION 14. This ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided that Grantee, prior to said effective date, shall have filed with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, and of Chapter 4 of Title XI of the Modesto Municipal Code, as amended by Ordinance No. 1741 -C. S., and delivers to the City Clerk the bond and insurance policies required to be furnished pursuant to the provisions of Chapter 4 of Title XI of the Modesto Municipal Code.

SECTION 15. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the \_\_\_\_\_ day of \_\_\_\_\_, 1978, by Councilmember \_\_\_\_\_, who moved its introduction and passage to print, which motion being duly seconded by Councilmember \_\_\_\_\_, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

APPROVED: \_\_\_\_\_  
LEE H. DAVIES, Mayor

ATTEST:

By \_\_\_\_\_  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \_\_\_\_\_  
ELWYN L. JOHNSON, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-792**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING AN APPEAL BY DANIEL COSTA OF A PLANNING COMMISSION DECISION CONCERNING REZONING FROM R-1 TO P-0**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that August 28, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Daniel Costa of a Planning Commission decision concerning rezoning from R-1 to P-0, property located on Standiford Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-793**

**A RESOLUTION ACCEPTING THE BID OF THOMAS MASONRY FOR CONSTRUCTION OF  
A MASONRY WALL FOR WOODROW PARK**

**WHEREAS, Resolution No. 78-226 , adopted by the Council of the  
City of Modesto on February 27, 1978 , approved the plans and speci-  
fications for the construction of a masonry wall for Woodrow Park**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of a masonry  
way for Woodrow Park  
were opened at 11:00 a.m. on July 11, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Thomas Masonry in the amount of \$20,215**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Thomas Masonry in the amount of \$20,215**

**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 August,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-794**

**A RESOLUTION ACCEPTING THE BID OF McGAW COMPANY FOR IMPROVEMENT OF  
PRESCOTT ROAD FROM BRIGGSMORE AVENUE TO PEACH DRIVE**

**WHEREAS, Resolution No. 78-709 , adopted by the Council of the  
City of Modesto on July 10, 1978 , approved the plans and speci-  
fications for the improvement of Prescott Road from Briggsmore Avenue  
to Peach Drive**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the improvement of Prescott Road  
from Briggsmore Avenue to Peach Drive  
were opened at 11:00 a.m. on July 25, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of the McGaw Company in the amount of \$206,220**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of the McGaw Company in the amount of \$206,220**

**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 August,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

**ATTEST:** *Norrine Coyle*  
**NORRINE COYLE, City Clerk**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-795**

**A RESOLUTION ACCEPTING THE BID OF McGAW COMPANY ON CONTRACT FOR F.A.U. PROJECT NO. F219(1) CONSTRUCTION ON OAKDALE ROAD FROM SCENIC DRIVE TO BRIGGSMORE AVENUE**

**WHEREAS, Resolution No. 78-626 , adopted by the Council of the City of Modesto on June 19, 1978 , approved the plans and specifications for the contract for F.A.U. Project No. F219(1), construction on Oakdale Road from Scenic Drive to Briggsmore Avenue and authorized the calling for bids, and**

**WHEREAS, the bids received for the Project No. F219(1) construction on Oakdale Road from Scenic Drive to Briggsmore Avenue were opened at 11:00 a.m. on July 18, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of the McGaw Company in the amount of \$641,206**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of the McGaw Company in the amount of \$641,206**

**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 August,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-796

A RESOLUTION APPROVING APPROPRIATION TRANSFER FROM GENERAL RESERVE  
TO THE OAKDALE ROAD - SCENIC TO BRIGGSMORE CONSTRUCTION PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the  
following appropriation transfer(s) are approved:

FROM:	General Reserve	\$488,053
	(Acct. 60-800-205)	
TO:	Oakdale/Scenic to Briggsmore	488,053
	(Acct. 6671-010-205)	
FROM:	General Reserve	
	(Acct. 60-800-207)	\$ 73,000
TO:	Oakdale/Scenic to Briggsmore	
	(Acct. 6671-010-207)	73,000

This project was expected to be awarded prior to June 30.  
Therefore, the appropriations were returned to the General  
Reserve of the Local Transportation Fund and Gas Tax Fund.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 7th day of  
August, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Elliott, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-797

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN PRESCOTT HOMES

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Prescott Homes has been completed by Crain Construction Company

in accordance with the contract agreement dated March 13, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Prescott Homes be accepted from said contractor, Crain Construction Company;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$20,237.75 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 August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-798

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN NORTH HAMPTON  
PARK NO. 4 AND WALNUT PARK**

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in North Hampton Park No. 4 and Walnut Park has been completed by Mac's Backhoe Service

in accordance with the contract agreement dated June 5, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in North Hampton Park No. 4 and Walnut Park be accepted from said contractor, Mac's Backhoe Service;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$44,226.39 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 August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-799

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINE EXTENSIONS  
IN 17TH STREET AND SISK ROAD**

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterline extensions in 17th Street and Sisk Road has been completed by Joe Martin

in accordance with the contract agreement dated April 10, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterline extensions in 17th Street and Sisk Road be accepted from said contractor, Joe Martin;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$9,604 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 August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-800

A RESOLUTION ANNEXING UNINHABITED TERRITORY KNOWN  
AS THE IRONS COURT ANNEXATION TO THE CITY OF MODESTO.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California (Municipal Organization Act of 1977), a petition signed by the owners of territory in the County of Stanislaus requesting annexation to the City of Modesto of the Irons Court Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission (LAFCO) by resolution adopted on the 19th day of April, 1978, determined that said territory is uninhabited and approved the initiation of proceedings for annexation of said uninhabited territory to the City of Modesto, and

WHEREAS, said uninhabited territory is situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by Resolution No. 78-487 adopted on the 8th day of May, 1978, initiated proceedings to annex said territory and set a hearing at the hour of 7:35 o'clock P.M. on the 26th day of June, 1978, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, a copy of said resolution giving notice of the proposed annexation and fixing the time and place for hearing protests to the proposed annexation was published in The Modesto Bee, a newspaper of general

circulation, published in the City of Modesto, on May 12, 1978, and on May 19, 1978, which publication was completed at least twenty (20) days prior to the date set for hearing, and

WHEREAS, said Resolution No. 78-487 directed that a similar notice be published in the Riverbank News, a newspaper of general circulation outside the City of Modesto but within the County of Stanislaus, at least twenty (20) days prior to the hearing and said notice inadvertently was not published, and

WHEREAS, the City Council on June 26, 1978, adopted Resolution No. 78-664 which continued said hearing to August 7, 1978, at the hour of 4:00 p.m. and which directed the City Clerk to cause copies of Resolution No. 78-487 and 78-664 to be published in the Riverbank News at least fifteen (15) days prior to the date set for the continued hearing, which resolutions were duly published on July 5, 1978, and July 12, 1978, and

WHEREAS, written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto not less than twenty (20) days before the date set for public hearing to:

- (a) Any person who has filed his name and address with the clerk and has requested such mailed notice;
- (b) The chief petitioners, if any, as indicated in the petition initiating proceedings;
- (c) To each affected city, county, and district;
- (d) To the executive office of the Local Agency Formation Commission; and
- (e) To such other persons as were legally entitled thereto,

and

WHEREAS, on the 26th day of June, 1978, at the hour of 7:35 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the hearing on said annexation was continued by Resolution No. 78-664 to the 7th day of August, 1978, at the hour of 4:00 o'clock P.M., at which time the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and written protests have not been filed by the owners of fifty (50%) percent of the total assessed value of land and improvements within the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, the Local Agency Formation Commission by Resolution dated April 19, 1978, ordered that a negative declaration be filed as to the environmental effect of the annexation, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

2. The area or territory so annexed, designated as the Irons Court Annexation to the City of Modesto is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, six certified copies of this resolution, stating the date of its passage; to immediately make six copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the Council of the City of Modesto finds that all the requirements of the Municipal Organization Act of 1977 as amended have been complied with.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 Completion in regard to the environmental impact of said annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Mensinger, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

## IRONS COURT ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern line of DOWNEY HIGH SCHOOL and JOHN MUIR SCHOOL ADDITION (33), as per description filed July 27, 1950, as Instrument 16443, Stanislaus County Records;

1. thence along the existing City Limits along the Southern line of said ADDITION (33), South  $89^{\circ} 42' 00''$  East, 395.26 feet, to the center line of 60.00 foot Brighton Avenue;
2. thence continuing along the existing City Limits along the center line of Brighton Avenue and the Western line of STRATHMORE ADDITION (226), as per description filed February 13, 1969, as Instrument 4972, Stanislaus County Records, South  $00^{\circ} 20' 00''$  East, 330.02 feet;
3. thence leaving the existing City Limits, North  $89^{\circ} 39' 30''$  West, 395.53 feet;
4. thence North  $00^{\circ} 17' 30''$  West, 329.74 feet, to the point of beginning, containing 2.994 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-801

A RESOLUTION DENYING THE APPEAL OF LON R. WALLACE OF CN PRODUCTS, FILED ON BEHALF OF TACO BELL, TO THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING A REQUEST FOR A FREESTANDING SIGN TO ADVERTISE AND IDENTIFY A TACO BELL RESTAURANT ON THE NORTHEAST SIDE OF WEST ORANGEBURG AVENUE, SOUTH OF EVERGREEN AVENUE, AND AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT.

WHEREAS, an application for a conditional use permit for a 20-foot high, 40-square foot freestanding sign to advertise a Taco Bell Restaurant in an H-1 Zone was filed by Allen Beebe on February 17, 1978, and

WHEREAS, Section 10-2.1904 (a) of the Modesto Municipal Code authorizes the Board of Zoning Adjustment to grant conditional use permits after public hearing, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on March 23, 1978, and continued to April 27, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and at said continued hearing, the Board of Zoning Adjustment by Resolution No. 789 denied the request for a 20-foot high, 40-square foot freestanding identification sign because the applicant failed to show the mandatory requirements of the sign regulations for a freestanding identification sign due to the fact that wall or canopy signs as permitted in the H-1 Zone are sufficient to identify the Taco Bell Restaurant on the northeast side of West Orangeburg Avenue, south of Evergreen Avenue, and

WHEREAS, Lon R. Wallace of CN Products filed an appeal on behalf of Taco Bell Corporation with the City Clerk of the City of Modesto on May 1, 1978, to the decision of the Board of Zoning Adjustment denying its request for a 20-foot high, 40-square foot freestanding identification sign in the H-1 Zone to advertise and identify a Taco Bell Restaurant on the northeast side of West

**Orangeburg Avenue, south of Evergreen Avenue, and**

**WHEREAS, said matter was set for public hearing before the Council at its regular meeting place located in the Council Chambers in the City Hall, 801 - 11th Street, Modesto, California, at 4:20 o'clock p.m. on June 5, 1978, at which time said hearing was continued to July 3, 1978, at 4:05 o'clock p.m. and thereafter continued to August 7, 1978, at 4:05 o'clock p.m., at which time evidence both oral and documentary was taken and introduced,**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal to the decision of the Board of Zoning Adjustment denying a request for a freestanding sign to advertise and identify a Taco Bell Restaurant in the H-1 Zone located on the northeast side of West Orangeburg Avenue, south of Evergreen Avenue in Board of Zoning Adjustment Resolution No. 789, adopted on April 27, 1978, is hereby denied for the reason that the applicant has failed to show the mandatory requirements of the sign regulations for a freestanding identification sign due to the fact that wall or canopy signs as permitted in the H-1 Zone are sufficient to identify said Taco Bell Restaurant.**

**BE IT FURTHER RESOLVED that the decision of the Board of Zoning Adjustment denying the request referred to above for a 20-foot high. 40-square foot freestanding identification sign in the H-1 Zone to advertise and identify a Taco Bell Restaurant at the above location is hereby affirmed.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember**

Elliott, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-802

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (197) \_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
7-3-9 of the Zoning Map was filed by Norman Winsor  
\_\_\_\_\_ on May 16, 1978, to  
reclassify from Low Density Residential Zone, R-1  
\_\_\_\_\_ to Planned-Development Zone, P-D, the following described property:

Lot 16 of Block 13358 of the Winsor Tract according to the  
Official Map thereof, filed for record on March 28, 1978,  
in Volume 27 of Maps at Page 56, Stanislaus County Records.

Including also the Easterly one-half of San Clemente Avenue  
and the Northerly 30 feet of Standiford Avenue, all being  
immediately adjacent to said Lot 16.

WHEREAS, after public hearing held on June 20,, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The subject property has frontage on Standiford Avenue, a planned 4-lane major street.
2. The subject property adjoins a Neighborhood Shopping Center site at the intersection of two major streets.
3. The project, through density averaging, conforms with the residential densities of the Zoning and Development Plan Policy prototype of the General Plan.

WHEREAS, after a public hearing held on August 7, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Norman Winsor for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1760 -C.S. on the 7th day of August, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D (197).

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 (197), is hereby approved in accordance with the plan titled "Winsor Arms, Site Plan"

\_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on June 20, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plan.
2. That a six-foot high decorative masonry pilaster and grapestake or decorative masonry pilaster and board fence shall be constructed along the entire property except for the Standiford Avenue and San Clemente Avenue frontages.
3. That all signs shall be limited to the sign regulations of the R-3 Zone.
4. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system. Screen planting shall be provided along the entire periphery except for the street frontages.
5. That all landscaping, fences, and walls, shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
7. That all parking and driveway areas shall be improved and maintained in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.

8. That all trash shall be maintained in the buildings or in fully enclosed trash areas in locations shown on the plan or as approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major building or of decorative masonry as determined by the Director of Planning and Community Development.
9. That the developer shall install one on-site fire hydrant and the pipeline system therefor to the specifications of the Fire Chief. Said hydrant shall be operable prior to occupancy of the premises.
10. That all utilities shall be underground including TV reception facilities. No antennas shall be permitted.
11. That all public improvements shall be made prior to occupancy of the premises.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (197) .

That the construction project be accomplished in one phase with construction to start on or before August 1, 1980, and completion to be not later than August 1, 1981.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (   197   ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the   7th   day of   August  , 19  7  , by Councilmember   Kullijian  , who moved its adoption, which motion being duly seconded by Councilmember   Mensing  , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

(SEAL)

APPROVED AS TO FORM:

By   Elwyn L. Johnson    
ELWYN L. JOHNSON, City Attorney

ATTEST:   Norrine Coyle    
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By   William P. ...    
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-303

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (NORMAN WINSOR)

WHEREAS, on August 7, 1978, the City Council adopted Ordinance No. 1760-C.S. giving approval to a project relating to an amendment to Section Map 7-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1 to Planned Development Zone, P-D (197)

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 7-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (197)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers. Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By E. L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 73-304

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE: P-D (193) \_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
7-3-9 of the Zoning Map was filed by J. F. Rouw  
\_\_\_\_\_ on May 15, 1978, to  
reclassify from Low Density Residential Zone, R-1  
\_\_\_\_\_ to Planned-Development Zone, P-D, the following described property:

ALL that certain real property situate in a portion of the Northwest Quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California, described as follows:

COMMENCING at the Northwest corner of said Section 7; thence along the West line of said Section 7 South  $0^{\circ} 42' 15''$  East 42.84 feet to the POINT OF BEGINNING of this description; thence continuing along said West line of Section 7 South  $0^{\circ} 42' 15''$  East 1219.94 feet; thence North  $89^{\circ} 17' 45''$  East 218.58 feet; thence Southeasterly 441.87 feet along a tangent curve, concave to the Southwest, having a radius of 586.90 feet and a central angle of  $43^{\circ} 08' 15''$  to the Northwesterly line of the 100-foot wide Modesto Irrigation District Lateral No. 7; thence along said Northwesterly line of Lateral No. 7 North  $42^{\circ} 26'$  East 772.84 feet; thence Northerly 347.91 feet along a tangent curve, concave to the West having a radius of 485.30 feet and a central angle of  $41^{\circ} 04' 30''$ ; thence along a tangent line North  $1^{\circ} 21' 30''$  East 172.26 feet; thence South  $89^{\circ} 51' 30''$  West 119.06 feet; thence North  $0^{\circ} 08' 30''$  West 228.40 feet to the Southerly line of 100-foot wide Modesto Irrigation Lateral No. 6; thence along said Southerly line of Lateral No. 6 North  $88^{\circ} 32' 45''$  West 983.08 feet; thence Westerly 198.67 feet along a tangent curve, concave to the North, having a radius of 352.90 feet and a central angle of  $32^{\circ} 15' 19''$  to the point of beginning.

Including also the Northwesterly 50 feet of the Modesto Irrigation Lateral No. 7 and Southerly 50 feet of the Modesto Irrigation Lateral No. 6 all being immediately adjacent to the above described property.

Containing 30.46 Acres.

WHEREAS, after public hearing held on June 20, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. 203 dwelling units meets the dwelling unit density standards for planned developments as set forth in the Modesto Urban Area General Plan.
2. The Planned Development provides for adequate open space and parking for the project.

WHEREAS, after a public hearing held on August 7, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of J. F. Rouw for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1761 -C.S. on the 7th day of August, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D (193).

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 (193), is hereby approved in accordance with the plan titled "Master Site Plan Hollandia Villas Modesto"

\_\_\_\_\_ , as amended in red on its face, stamped approved by the Planning Commission on June 20 , 1978 , and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plan.
2. That prior to the issuance of a building permit for any structure, a subdivision map shall be recorded in accordance with Chapter 4 of Title 4 of the Modesto Municipal Code. If the subdivision is to be accomplished in stages, the first stage shall include as a minimum, dedication and improvement of that portion of the green-belt common open space area, adjacent to the particular stage of development, and dedication and improvement of all those portions of Cheyenne Way and Prescott Road adjacent to the subject property.
3. That all parking and driveway areas shall be improved in accordance with provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. The drainage facilities for the parking areas shall be approved by the Director of Public Works.
4. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant for approval by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with the approved landscaping and irrigation plans. Irrigation shall be by underground sprinkler system. Landscaping plans shall include as a minimum all those front and side yard areas that are adjacent to public streets and all common open space areas.
5. That all landscaping, fences, and walls shall be maintained and that the premises shall be kept free of weeds, trash and other debris.
6. That the development shall be connected to the City water and sanitary sewer facilities in accordance with the requirements of the Director of Public Works.
7. That prior to start of construction of any dwelling units, the developer shall install any fire hydrants necessary to serve the project as required by the Fire Chief.

8. All utilities shall be underground including TV reception facilities. No antennas shall be permitted.
9. That prior to issuance of a building permit for any development, the developer shall submit evidence, satisfactory to the City Attorney, that there has been created a Homeowners' Association to guarantee common open space improvement and maintenance in accordance with the approved plans.
10. That any signs within the P-D Zone shall comply with the R-1 Zone sign provisions.
11. That building plans for the dwellings shall indicate a standard detail for adequate storage for garbage and garden refuse. Said storage areas shall be screened from view from any public street and shall be subject to approval by the Director of Planning and Community Development. Each dwelling shall have such a storage unit provided in accordance with the plans approved by the Director of Planning and Community Development.
12. That prior to the issuance of a building permit, the developer shall dedicate to the City of Modesto a five-foot wide planting easement adjacent to all public streets.
13. That a solid decorative masonry wall at least 7 feet in height shall be constructed along the property's Prescott Road frontage and that a wood fence at least 6 feet in height shall be constructed on the boundaries between the subject property and M.I.D. laterals number 6 and 7.
14. That all residential streets shall be developed to the standard 50 feet of right of way.
15. The front yard setbacks for the project shall be as follows:
  - a. For lots fronting on a collector street (Cheyenne Way): standard setbacks.
  - b. For lots fronting on through residential streets (Rotterdam Avenue, Amsterdam Lane, and Hulst Avenue):
    - 1) Garage - 18 feet from the front property line.
    - 2) Remainder of structure - 13 feet from the front property line.
  - c. For lots fronting on cul-de-sac streets:
    - 1) Garage - 17 feet from the front property line.
    - 2) Remainder of structure - 12 feet from the front property line.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (193).

That the construction project be accomplished in one phase with construction to start on or before September 1, 1980, and be completed not later than June 1, 1983.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (193) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1972, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William P. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-305

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 7-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (J. F. ROUW)

WHEREAS, on August 7, 1978, the City Council adopted Ordinance No. 1761 -C.S. giving approval to a project relating to an amendment to Section Map 7-3-9 of the Zoning Map to reclassify certain property located on the East side of Prescott Road extended, North of Standiford Avenue from Low Density Residential Zone, R-1, to Medium High Residential Zone, R-3, and to Planned Development Zone, P-D(193), and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 7-3-9 of the Zoning Map to reclassify property located on the East side of Prescott Road extended, North of Standiford Avenue from Low Density Residential zone, R-1, to Medium High Residential Zone, R-3, and to Planned Development Zone, P-D(193).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1973, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 73-306

A RESOLUTION AMENDING RESOLUTION NO. 75-980 TO APPROVE AN AMENDMENT TO THE DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D (133). (LANCE E. ELLIS AND CAROL L. ELLIS)

WHEREAS, the City Council by Ordinance No. 1474-C.S., and Resolution No. 75-980, approved Planned Development Zone, P-D(133), on October 6, 1975, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(133), was filed by Gregory Development Company on May 3, 1978 to permit a two-story commercial structure and to expand the total permitted building area in the easterly 4.49 net acre portion of P-D(133), and

WHEREAS, said application was set for a public hearing before the Planning Commission at its meeting of June 20, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, thereafter the Planning Commission by Resolution No. 78-111 adopted on June 20, 1978, found and determined that the amendment to Planned Development Zone, P-D(133), as requested, is required by public necessity, convenience, and general welfare for the following reasons:

1. The two-story portion of the proposed expanded structure will not pose a compatibility problem with adjacent land uses.
2. The number of parking spaces on the site is more than adequate to meet the City Code requirement for the expanded facilities,

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place located in the City Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 P.M., on August 7, 1978, and

WHEREAS, after said public hearing held on August 7, 1978, the Council found and determined that the application of Gregory Development Company for an amendment to Planned Development Zone, P-D(133), to permit a two-story commercial structure and to expand the total permitted building area in the easterly 4.49 acre portion of P-D(133), should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 78-111 and quoted above, and

WHEREAS, it is necessary to amend Section 1 of City Council Resolution No. 75-980 to permit said two-story commercial structure and an expansion of its total permitted building area in the easterly 4.49 acre portion of P-D(133),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Resolution No. 75-980 is hereby amended to read as follows:

"SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(133), is hereby approved in accordance with the plan titled, 'Plot for Rezoning', as amended in red on its face, stamped approved by the Planning Commission on August 19, 1975 and on file

in the office of the Planning Director, as amended by the plan entitled 'Frontier Town Phase II,' as amended in red on its face, stamped approved by the Planning Commission on June 20, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the plan referred to above.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation and the Director of Planning and Community Development. The landscaping and irrigation system shall be by underground sprinkler system. A 10-foot wide landscaped strip shall be installed along the undeveloped frontages of both Tully Road and Standiford Avenue.
3. That prior to the issuance of a building permit for any additional development or upon demand by the City, the developer shall dedicate five additional feet of right-of-way for both the Tully Road and Standiford Avenue frontages of P-D(133).
4. That the developer shall upgrade the existing sidewalk to provide for a total 10-foot wide commercial width sidewalk on both the Tully Road and Standiford Avenue frontages.
5. That the developer shall install street lights in accordance with the standards of the Director of Public Works.
6. That prior to the issuance of a building permit, the developer shall submit street improvements plans prepared by a registered Civil Engineer for approval by the City Engineer.
7. That all public improvements, including street lights, that relate to particular increments of development, as determined by the Director of Public Works, shall be installed prior to the occupancy of any buildings to be constructed after the effective date of this P-D; however, all public improvements, including street lights, shall be installed by August 19, 1977.

8. That prior to the issuance of any building permit, if all required public improvements have not been installed, a cash deposit, savings and loan certificate, surety bond or other instrument of credit in an amount to be determined by the City Engineer shall be filed with the City Clerk to guarantee that all public improvements that relate to particular increments of development, as determined by the Director of Public Works, are installed prior to occupancy, and that all public improvements, including street lights, are installed by August 19, 1977, whichever occurs first.
9. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
10. That the development shall be connected to the City of Modesto sewer facilities in accordance with the requirements of the Director of Public Works and that use of private water wells may continue as long as Public Works standards are met.
11. That all parking and driveway areas shall be improved in accordance with City standards, including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.
12. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or as determined by the Director of Planning and Community Development.
13. That prior to the issuance of a building permit for any development, the developer shall pay to the City of Modesto the cost of planting 19 street trees at the prevailing rate.
14. That two freestanding identification signs shall be permitted, one each on the Tully Road and Standiford Avenue frontages, to identify the 4.49 net acre C-1 use portion of the P-D Zone. Said freestanding signs shall not exceed 8 feet in height and 25 square feet in total sign area. All other signs in the 4.49 net acre P-D and 5.76 net acre P-D portions of the site shall comply with the sign regulations of the H-1 Zone.

15. That the applicant shall install four fire hydrants and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed and operable prior to occupancy of any structures completed after the effective date of this P-D Zone."

BE IT FURTHER RESOLVED that all provisions of Modesto City Council Resolution No. 75-980, except as herein changed, modified, deleted or added to, shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Steffen, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM

BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-207

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (194)\_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
27-3-9 of the Zoning Map was filed by Kenneth Graham  
\_\_\_\_\_ on May 11, \_\_\_\_\_, 1978, to  
reclassify from Medium High Density Residential Zone, R-3  
\_\_\_\_\_ to Planned-Development Zone, P-D, the following described property:

ALL that real property situated in Section 27, Township 3 South,  
Range 9 East, Mount Diablo Base and Meridian, described as follows:

ALL of Lot 17 in Block 1308 as shown on the map of Strathmore  
No. 1 recorded in Volume 19 of Maps at Page 30 and all of Parcel  
A as shown on the map recorded in Book 26 of Parcel Maps at  
Page 45, in the Stanislaus County Records.

Including also the Southerly 10 feet of the 20-foot alley,  
immediately adjacent to the Northerly property lines of said  
Lot 17 and Parcel A and also that portion of Scenic Drive  
situated between the centerline of Scenic Drive and the Southerly  
property lines of said Lot 17 and Parcel A.

WHEREAS, after public hearing held on June 20, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The property would accommodate a larger number of dwelling units under the existing R-3 zoning than are now being proposed under the P-D zone.
2. The Planned Development provides for adequate open space and parking for the project.
3. The project is compatible under existing and contemplated development in the vicinity.

WHEREAS, after a public hearing held on August 7, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Kenneth Graham for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1762 -C.S. on the 7th day of August, 1978, reclassifying the above-described property from Medium High Density Residential Zone, R-3 to Planned-Development Zone, P-D (194).

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 (194) \_\_\_\_\_, is hereby approved in accordance with the plan titled "8 Unit Condominium Complex"

\_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on June 20, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plan.
2. That prior to the sale of any of the individual dwelling units, a subdivision map shall be recorded in accordance with Chapter 4 of Title 4 of the Modesto Municipal Code.
3. That prior to the recording of a final subdivision map for any development, the developer shall submit evidence, satisfactory to the City Attorney, that there has been created a homeowners association to guarantee common area improvement and maintenance in accordance with the approved plans.
4. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted for approval by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. The drainage facilities for the parking areas shall be approved by the Director of Public Works.
6. That all landscaping fences and walls shall be maintained and that the premises shall be kept free of weeds, trash, and other debris.
7. That the development shall be connected to the City water and sanitary sewer facilities in accordance with the requirements of the Director of Public Works.
8. That all utilities shall be underground, including TV reception facilities. No antennas shall be permitted.

9. That any signs within the P-D zone shall comply with the R-3 zone sign provisions.
10. That building plans for the project shall indicate a standard detail for adequate storage for garbage and garden refuse. Said storage areas shall be screened from view from any public street, and shall be subject to approval of the Director of Planning and Community Development. Each condominium home shall have such a storage unit provided in accordance with the plans approved by the Director of Planning and Community Development.
11. That prior to the occupancy of the premises, the developer shall construct a masonry pilaster and grapestake or masonry pilaster and board fence along the project's west, east, and a portion of the north property lines as shown in red on the approved plot plan.
12. That the Scenic Drive frontage of the parcel shall be improved to City of Modesto Major Street Standards, including the installation of at least one street light.
13. That plans for the above improvements shall be prepared by a registered civil engineer and submitted to the City Engineer for approval.
14. That the south half of the alley to the north of the parcel shall be paved to City of Modesto Standards.
15. That the developer shall pay the City for the planting of 3 street trees in accordance with provisions of Section 4-4.502(g) of the Municipal Code.
16. That the developer shall provide irrigation easements for an existing irrigation line and shall protect said irrigation line with concrete slabs in accordance with the requirements of the Modesto Irrigation District.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (194) .

That the construction project be accomplished in one phase with construction to commence on or before October 1, 1980, and be completed not later than September 30, 1981.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (194) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1970, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William F. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-308

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP TO REZONE FROM R-3 TO P-D PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE, EAST OF ROSE AVENUE (KENNETH GRAHAM)

WHEREAS, on August 7, 1978, the City Council adopted Ordinance No. 1762 C.S. giving approval to a project relating to an amendment to Section Map 27-3-9 of the Zoning Map to rezone property located on the North side of Scenic Drive, East of Rose Avenue from Medium High Density Residential, R-3, to Planned Development Zone P-D(194), and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 27-3-9 of the Zoning Map to rezone property located on the North side of Scenic Drive, East of Rose Avenue from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(194)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-809

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES FOR DRY CREEK PARK  
(HUBERT W. SCOTT).

WHEREAS, on July 3, 1978, the Council of the City of Modesto by Resolution No. 78-700 set a hearing to consider a resolution of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on August 7, 1978, 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 Phase II of Dry Creek Park, including but not limited to a golf course,

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 pursuant to Sections 37350.5, 37351, 37353, 38300 and 40404 (f) of the Government Code, by Section 1240.510 of the Code of Civil Procedure, and by Sections 5301, 5302 and 5303 of the Public Resources Code of the State of California.
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 real property which is hereinafter described consists of 33 acres more or less, including a residence and outbuildings, on the north side of M.I.D. Lateral No. 2 and on the east side of North Riverside Drive in the County of Stanislaus, and 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, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of Stanislaus, and adjacent to the City of Modesto, State of California, more particularly described as follows:

Lot One and all that portion of Lot Two lying North of Lateral No. 2 of the Modesto Irrigation District, of THE BEARD TRACT, according to the Map thereof, filed in the Office of the County Recorder of Stanislaus County, California on November 18, 1907 in Volume 3 of Maps, at page 19.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Leng, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Leng, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: Kullijian  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Gary D. Dickey  
Public Works Department

Gary D. Dickey 8-7-78

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-810

A RESOLUTION ACCEPTING IMPROVEMENTS IN COLONIAL COMMONS NO. 1 SUBDIVISION  
AND AUTHORIZING RELEASE OF INSTRUMENTS OF CREDIT

WHEREAS, Bomberger Brothers,  
subdividers of Colonial Commons No. 1 Subd. , have filed instruments  
of credit for faithful performance and labor and materials in the  
amount of \$254,700 and \$127,350 respectively to guarantee improvements  
in Colonial Commons No. 1 Subd. ; and

WHEREAS, the Director of Public Works in a memorandum dated  
July 21, 1978 , 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 Instruments of <sup>Credit</sup> upon expiration of  
the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto:

1. The improvements in Colonial Commons No. 1 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Instrument of Credit for faithful performance in the amount of \$254,700.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Instrument of Credit for labor and materials in the amount of \$127,350.00 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 7th day of August, 1978 by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Elliott , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kulligian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
~~NORRINE COYLE, City Clerk~~

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-811

A RESOLUTION ACCEPTING IMPROVEMENTS IN COLONIAL COMMONS NO. 2 SUBD.  
AND AUTHORIZING RELEASE OF INSTRUMENTS OF CREDIT

WHEREAS, Bomberger Brothers.

subdividers of Colonial Commons No. 2 Subd. , have filed Instruments of Credit for faithful performance and labor and materials in the amount of \$56,000 and \$28,000 respectively to guarantee improvements in Colonial Commons No. 2 Subd. ; and

WHEREAS, the Director of Public Works in a memorandum dated July 27, 1978 , 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 Instruments of <sup>Credit</sup> upon expiration of the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Colonial Commons No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Instrument of Credit for faithful performance in the amount of \$56,000.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Instrument of Credit for labor and materials in the amount of \$28,000.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August 7, 1978 by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Elliott , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-812

A RESOLUTION ACCEPTING IMPROVEMENTS IN PERSIAN TERRACE NO. 2 SUBDIVISION  
AND AUTHORIZING RELEASE OF INSTRUMENTS OF CREDIT

WHEREAS, U.S. By-Products, Inc.

subdividers of Persian Terrace No. 2 Subd., have filed Instruments of Credit for faithful performance and labor and materials in the amount of \$162,200 and \$31,100 respectively to guarantee improvements in Persian Terrace No. 2 Subd. ; and

WHEREAS, the Director of Public Works in a memorandum dated July 14, 1978, 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 Instruments of <sup>Credit</sup> upon expiration of the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Persian Terrace No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Instrument of Credit for faithful performance in the amount of \$162,200.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Instrument of Credit for labor and materials in the amount of \$ 31,100.00 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 7th day of August, 1973, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-813

A RESOLUTION ACCEPTING IMPROVEMENTS IN HILLSBORO EAST SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Steinpress Realty and Development Company,  
subdividers of Hillsboro East Subdivision, have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$113,700 and \$56,350. respectively to guarantee improvements  
in Hillsboro East Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated  
July 27, 1978, 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 Hillsboro East Subdivision are  
hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
Bond for faithful performance in the amount of \$113,700 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
Bond for labor and materials in the amount of \$56,350 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1973 by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Elliott , was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

**ATTEST:** *Norrine Coyle*  
~~NORRINE COYLE, City Clerk~~

MODESTO CITY COUNCIL  
RESOLUTION NO. 73-814

A RESOLUTION APPROVING THE FINAL MAP OF THE  
LUCK ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Charles S. Solomon and Evelyn M. Solomon, husband and wife,  
and Kenneth E. Bohns and Mary L. Bohns, husband and wife

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~~XX~~ (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 4.883 acres, known as the  
Luck Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 1st day of  
November, 1977, 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 Luck Estates  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-815

A RESOLUTION APPROVING THE FINAL MAP OF THE  
OAKRIDGE NO. 2 SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, FRIES AM CORPORATION, a California corporation, is  
possessed of a tract of land situate in the City of Modesto, County of Stanislaus,  
consisting of 5.496 acres, known as the Oakridge No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City  
Planning Commission on the 3rd day of January, 1978, and

WHEREAS, the final map of said tract has been approved by the  
Secretary of the City Planning Commission, and

WHEREAS, the City Engineer of the City of Modesto has certified that  
the final map of said Oakridge No. 2 Subdivision meets all of the provisions of the  
California Subdivision Map Act and the provisions of the Modesto Municipal Code  
relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and easements as  
shown thereon within the boundaries of said tract be accepted on behalf of the  
public for public use; and that the City Clerk be authorized to certify the map of said  
tract on behalf of the City of Modesto after the fees and deposits required by the  
Modesto Municipal Code in amounts determined by the City Engineer have been paid.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 7th day of August, 1978, by  
Councilmember Lang, who moved its adoption, which motion being duly

seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-816

A RESOLUTION APPROVING THE FINAL MAP OF THE  
WESSON ESTATES NO. 3  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Lance E. Ellis and Carol L. Ellis, husband and wife,

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is (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 20.652 acres, known as the  
Wesson Estates No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 20th day of  
September, 1977, 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 Wesson Estates No. 3  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-317

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED  
TERRITORY FROM THE MC HENRY-DRY CREEK  
FIRE PROTECTION DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the McHenry-Dry Creek  
Fire Protection District in Stanislaus County was annexed to the  
City of Modesto as Orangeburg-Claus No. 2 Addition  
by Resolution No. 78-662 adopted on June 26,  
1978, and said addition officially became a part of the City of  
Modesto on July 13, 1978, and

WHEREAS, the Health and Safety Code of the State of  
California provides that whenever any portion of such a District is  
included within a city by reason of annexation, such portion may be  
withdrawn from the District by the filing with the governing body of  
the District and the Stanislaus County Board of Supervisors, the tax  
levying authority of the District, a copy of a resolution of the  
legislative body of the city, describing the included portion, and  
declaring such portion withdrawn, and

WHEREAS, it is to the best interests of the residents in  
the area of said Fire Protection District which has been annexed to  
the City that the area be withdrawn from said Fire Protection  
District and provided fire prevention and fire fighting services by  
the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the territory, the description of which is attached hereto and made a part hereof as though set forth in full herein, be withdrawn from the boundaries of the McHenry-Dry Creek Fire Protection District in Stanislaus County. Said withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

May 10, 1978  
May 4, 1978  
April 17, 1978

ORANGEBURG - CLAUS NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of Section 23 and the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of ORANGEBURG - CLAUS ADDITION (362), as per description filed November 8, 1977, as Instrument 30228, Stanislaus County Records;

1. thence along the existing City Limits and Western line of said ADDITION (362), South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the intersection of the center lines of Claus Road and East Orangeburg Avenue and the Northeastern corner of SPRING CREEK ADDITION (325), as per description filed January 15, 1975, as Instrument 26879, Stanislaus County Records;
2. thence continuing along the existing City Limits along the center line of 50.00 foot East Orangeburg Avenue, and the Northern line of said ADDITION (325), South  $89^{\circ} 21' 00''$  West, 1210.20 feet, to the Northeastern corner of EAST ORANGEBURG NO. 7 ADDITION (352), as per description filed January 20, 1977, as Instrument 41857, Stanislaus County Records;
3. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (352), South  $89^{\circ} 21' 00''$  West, 881.00 feet, to a Northeastern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per description filed May 8, 1975, as Instrument 43098, Stanislaus County Records;
4. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (331), South  $89^{\circ} 21' 00''$  West, 200.99 feet, to the Northwestern corner of ORANGEBURG - FRANSEN ADDITION (365), as per description filed December 30, 1977, as Instrument 43098, Stanislaus County Records;
5. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (365), South  $89^{\circ} 21' 00''$  West, 328.06 feet, to a Southeastern corner of LAKEWOOD NO. 1 ADDITION (292), as per description filed June 9, 1972, as Instrument 23377, Stanislaus County Records;
6. thence continuing along the existing City Limits along an Eastern line of said ADDITION (292), North  $00^{\circ} 53' 10''$  West, 1193.86 feet to the center line of 120.00 foot East Briggsmore Avenue;
7. thence continuing along the existing City Limits along said center line and a Northern line of said ADDITION (292), South  $89^{\circ} 34' 30''$  West, 2622.06 feet, to a Northeastern corner of ORANGEBURG - LAKEWOOD NO. 2 ADDITION (339), as per description filed February 4, 1976, as Instrument 35052, Stanislaus County Records;

8. thence continuing along the existing City Limits along said center line and the Northern line of said ADDITION (339), North  $89^{\circ} 41' 20''$  West, 657.10 feet, to the Northeastern corner of ORANGEBURG - EAST-RIDGE ADDITION (308), as per description filed August 17, 1973, as Instrument 6631, Stanislaus County Records;
9. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $89^{\circ} 41' 20''$  West, 939.87 feet, to a point on a curve;
10. thence continuing along the existing City Limits along a curve concave to the Northwest, having a Central Angle of  $7^{\circ} 25' 35''$ , a Radius of 1200.00 feet, and an Arc Length of 155.43 feet;
11. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $82^{\circ} 15' 45''$  West, 222.06 feet, to a Northeastern corner of ORANGEBURG - SONOMA NO. 2 ADDITION (326), as per description filed January 15, 1975, as Instrument 26880, Stanislaus County Records;
12. thence continuing along the existing City Limits and a Northern line of said ADDITION (326), North  $82^{\circ} 15' 35''$  West, 1326.50 feet;
13. thence continuing along the existing City Limits and the Western line of said ADDITION (326), South  $00^{\circ} 14' 00''$  East, 1400.75 feet, to the center line of 60.00 foot East Orangeburg Avenue and a Northern line of SONOMA NO. 3 ADDITION (285), as per description filed April 26, 1972, as Instrument 16760, Stanislaus County Records;
14. thence continuing along the existing City Limits along said center line and Northern line of said ADDITION (285), North  $89^{\circ} 27' 15''$  West, 657.05 feet, to a Southeastern corner of OLD OAKDALE NO. 2 ADDITION (301), as per description filed March 5, 1973, as Instrument 37469, Stanislaus County Records;
15. thence continuing along the existing City Limits and an Eastern line of said ADDITION (301), North  $00^{\circ} 13' 53''$  West, 1539.53 feet, to the Northeastern corner of said ADDITION (301), and the North right-of-way line of 120.00 foot East Briggsmore Avenue;
16. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $32^{\circ} 27' 05''$  West, 748.59 feet;
17. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $82^{\circ} 23' 04''$  West, 263.85 feet, to a point on a curve;
18. thence continuing along the existing City Limits along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 408.10 feet, and an Arc Length of 248.37 feet;

19. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), South  $62^{\circ} 18' 44''$  West, 78.75 feet, to the center line of 100.00 foot Oakdale Road and an Eastern line of ROSE ACRES NO. 4 ADDITION (230), as per description filed May 2, 1969, as Instrument 15074, Stanislaus County Records;
20. thence continuing along the existing City Limits along an Eastern line of said ADDITION (230), North  $00^{\circ} 26' 45''$  West, 78.73 feet, to the center line of the 140.00 foot Modesto Irrigation District Lateral No. 3;
21. thence leaving the existing City Limits, along the center line of M.I.D. Lateral No. 3, North  $62^{\circ} 18' 44''$  East, 42.71 feet, to a point on a curve;
22. thence continuing along the center line of M.I.D. Lateral No. 3 along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 473.10 feet, and an Arc Length of 291.51 feet;
23. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 23' 04''$  East, 263.85 feet;
24. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 27' 05''$  East, 2064.18 feet;
25. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 19' 00''$  East, 986.29 feet;
26. thence continuing along M.I.D. Lateral No. 3, South  $89^{\circ} 45' 00''$  East, 1651.06 feet;
27. thence leaving the center line of M.I.D. Lateral No. 3, South  $00^{\circ} 14' 00''$  East, 12.17 feet, to the Southeast corner of Section 14;
28. thence along the Northern line of Section 24, North  $89^{\circ} 21' 09''$  East, 5244.78 feet, to the Northeast corner of Section 24;
29. thence along the Eastern line of Section 24, South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the point of beginning, containing 122.655 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-818

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (ORANGEBURG-CLAUS NO. 2)

WHEREAS, there has been annexed to the City of Modesto on July 13, 1978, certain territory known as Orangeburg-Claus No. 2 Addition, and

WHEREAS, the inclusion of the area contained in Orangeburg-Claus No. 2 Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Orangeburg-Claus No. 2 Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 181.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, September 25, 1978, at the hour of 7:30P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the city of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto

Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 181.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2) weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) On the North side of East Orangeburg Avenue at the West boundary of the annexation.
- (2) On the North side of East Orangeburg Avenue of the West side of Claus Road.
- (3) On the South side of East Briggsmore Avenue at the West side of Claus Road.

Said posting shall be made not earlier than the sixtieth (60th) nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) to each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 181, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call

carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn I. Johnson*  
ELWYN I. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *[Signature]*  
Public Works Department

May 10, 1978  
May 4, 1978  
April 17, 1978

ORANGEBURG - CLAUS NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of Section 23 and the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of ORANGEBURG - CLAUS ADDITION (362), as per description filed November 3, 1977, as Instrument 30228, Stanislaus County Records;

1. thence along the existing City Limits and Western line of said ADDITION (362), South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the intersection of the center lines of Claus Road and East Orangeburg Avenue and the Northeastern corner of SPRING CREEK ADDITION (325), as per description filed January 15, 1975, as Instrument 26879, Stanislaus County Records;
2. thence continuing along the existing City Limits along the center line of 50.00 foot East Orangeburg Avenue, and the Northern line of said ADDITION (325), South  $89^{\circ} 21' 00''$  West, 1210.20 feet, to the Northeastern corner of EAST ORANGEBURG NO. 7 ADDITION (352), as per description filed January 20, 1977, as Instrument 41857, Stanislaus County Records;
3. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (352), South  $89^{\circ} 21' 00''$  West, 881.00 feet, to a Northeastern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per description filed May 8, 1975, as Instrument 43098, Stanislaus County Records;
4. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (331), South  $89^{\circ} 21' 00''$  West, 200.99 feet, to the Northwestern corner of ORANGEBURG - FRANSEN ADDITION (365), as per description filed December 30, 1977, as Instrument 43098, Stanislaus County Records;
5. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (365), South  $89^{\circ} 21' 00''$  West, 328.06 feet, to a Southeastern corner of LAKEWOOD NO. 1 ADDITION (292), as per description filed June 9, 1972, as Instrument 23377, Stanislaus County Records;
6. thence continuing along the existing City Limits along an Eastern line of said ADDITION (292), North  $00^{\circ} 53' 10''$  West, 1193.86 feet to the center line of 120.00 foot East Briggsmore Avenue;
7. thence continuing along the existing City Limits along said center line and a Northern line of said ADDITION (292), South  $89^{\circ} 34' 30''$  West, 2622.06 feet, to a Northeastern corner of ORANGEBURG - LAKEWOOD NO. 2 ADDITION (339), as per description filed February 4, 1976, as Instrument 35052, Stanislaus County Records;

8. thence continuing along the existing City Limits along said center line and the Northern line of said ADDITION (339), North  $89^{\circ} 41' 20''$  West, 657.10 feet, to the Northeastern corner of ORANGEBURG - EAST-RIDGE ADDITION (308), as per description filed August 17, 1973, as Instrument 6631, Stanislaus County Records;
9. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $89^{\circ} 41' 20''$  West, 939.87 feet, to a point on a curve;
10. thence continuing along the existing City Limits along a curve concave to the Northwest, having a Central Angle of  $7^{\circ} 25' 35''$ , a Radius of 1200.00 feet, and an Arc Length of 155.43 feet;
11. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $82^{\circ} 15' 45''$  West, 222.06 feet, to a Northeastern corner of ORANGEBURG - SONOMA NO. 2 ADDITION (326), as per description filed January 15, 1975, as Instrument 26880, Stanislaus County Records;
12. thence continuing along the existing City Limits and a Northern line of said ADDITION (326), North  $82^{\circ} 15' 35''$  West, 1326.50 feet;
13. thence continuing along the existing City Limits and the Western line of said ADDITION (326), South  $00^{\circ} 14' 00''$  East, 1400.75 feet, to the center line of 60.00 foot East Orangeburg Avenue and a Northern line of SONOMA NO. 3 ADDITION (285), as per description filed April 26, 1972, as Instrument 16760, Stanislaus County Records;
14. thence continuing along the existing City Limits along said center line and Northern line of said ADDITION (285), North  $89^{\circ} 27' 15''$  West, 657.05 feet, to a Southeastern corner of OLD OAKDALE NO. 2 ADDITION (301), as per description filed March 5, 1973, as Instrument 37469, Stanislaus County Records;
15. thence continuing along the existing City Limits and an Eastern line of said ADDITION (301), North  $00^{\circ} 13' 53''$  West, 1539.53 feet, to the Northeastern corner of said ADDITION (301), and the North right-of-way line of 120.00 foot East Briggsmore Avenue;
16. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $32^{\circ} 27' 05''$  West, 748.59 feet;
17. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $82^{\circ} 23' 04''$  West, 263.85 feet, to a point on a curve;
18. thence continuing along the existing City Limits along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 408.10 feet, and an Arc Length of 248.37 feet;

19. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), South  $62^{\circ} 18' 44''$  West, 78.75 feet, to the center line of 100.00 foot Oakdale Road and an Eastern line of ROSE ACRES NO. 4 ADDITION (230), as per description filed May 2, 1969, as Instrument 15074, Stanislaus County Records;
20. thence continuing along the existing City Limits along an Eastern line of said ADDITION (230), North  $00^{\circ} 26' 46''$  West, 78.73 feet, to the center line of the 140.00 foot Modesto Irrigation District Lateral No. 3;
21. thence leaving the existing City Limits, along the center line of M.I.D. Lateral No. 3, North  $62^{\circ} 18' 44''$  East, 42.71 feet, to a point on a curve;
22. thence continuing along the center line of M.I.D. Lateral No. 3 along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 473.10 feet, and an Arc Length of 291.51 feet;
23. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 23' 04''$  East, 263.85 feet;
24. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 27' 05''$  East, 2064.13 feet;
25. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 19' 00''$  East, 986.29 feet;
26. thence continuing along M.I.D. Lateral No. 3, South  $89^{\circ} 45' 00''$  East, 1651.06 feet;
27. thence leaving the center line of M.I.D. Lateral No. 3, South  $00^{\circ} 14' 00''$  East, 12.17 feet, to the Southeast corner of Section 14;
28. thence along the Northern line of Section 24, North  $89^{\circ} 21' 09''$  East, 5244.78 feet, to the Northeast corner of Section 24;
29. thence along the Eastern line of Section 24, South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the point of beginning, containing 122.655 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on August 7, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Elliott, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: August 8, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-819

A RESOLUTION APPOINTING JAN M. HOLTZCLAW ACTING CITY CLERK DURING THE ABSENCE OR DISABILITY OF THE CITY CLERK AND ASSISTANT CITY CLERK

WHEREAS, Section 2-3.303 of the Modesto Municipal Code provides that the City Council may appoint an Acting City Clerk to perform the duties and exercise the powers of the City Clerk in case of the absence or disability of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Jan M. Holtzclaw is hereby appointed Acting City Clerk who shall perform the duties and exercise the powers of the City Clerk in case of the absence or disability of both the City Clerk and the Assistant City Clerk.

BE IT FURTHER RESOLVED that this appointment is made subject to the provision that it may be revoked by the City Council at any time.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

PROJECT NO. 76-09-08/77-09-10

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-820

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON REPORT OF WORK AND COST OF CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

BE IT HEREBY RESOLVED by the Council of the City of Modesto that August 21, 1978, 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 attached reports by the Superintendent of Streets on the cost of construction of improvements as described in such reports.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

- a. Sidewalk at 1619 Albany Av, a portion of Block 6141. (J.V. Ard - \$226.00)
- b. Sidewalk at 417 El Vista Av, Lot 13 of Block 2258 (Albert E. Armstrong - \$227.80)
- c. Curb and sidewalk along Locke Road and along Roselene Av at 1601 Locke Road, Lots 7 & 8 of Block 1026 (Ray Baudoin - \$4,553.00)
- d. Sidewalk at 151 Norwegian Av, Lot 15 of Block 6901 (Frances M. Blevins-\$282.00)
- e. Sidewalk along Tully Rd. at 1229 Woodman Way, Lots 8 & 9 of Block 6118-A. (Florence D. Daniel and Aaron H. Brock - \$473.15)
- f. Sidewalk at 1549 Pearl Street, Lot 2 of Block 6112 (Tony Canizzaro - \$162.46)
- g. Sidewalk at 1520 Teresa Street, Lot 20 of Block 6079. (Daniel E. Cripe-\$187.40)
- h. Sidewalk at 1530 Albany Avenue, Lot 18 of Block 6119 (Eva Humphrey - \$154.00)
- i. Sidewalk along El Vista Avenue at 108 El Vista Avenue, Lot 9 of Block 2323. (Ronald D. Little - \$440.65)
- j. Sidewalk at 515 Franklin Street, a portion of Block 4091 (Lester W. McCart - \$792.00)
- k. Sidewalk at 413 El Vista Avenue, Lot 12 of Block 2258 (Michael A. McGrath - \$227.80)
- l. Sidewalk at 1613 Albany Avenue, a portion of Block 6141 (Paul L. Methvin - \$325.00)
- m. Curb and Sidewalk at 326 Granger, a portion of Block 6130. (Rhoda H. Robertson \$580.00)
- n. Curb and Sidewalk along Grape Avenue at 1533 Grape Avenue, Lot 1 of Block 6107 (Sam Salsi - \$904.20)
- o. Sidewalk along Albany Avenue at 1713 Albany Avenue, Lot 1 of Block 6141. (Harold Walter Schultz - \$241.00)
- p. Sidewalk at 425 El Vista Avenue, Lot 15 of Block 2258. (Jerry D. Sigman - \$222.85)
- q. Sidewalk along Teresa Street and Del Vale Av at 1416 Del Vale Avenue, Lot 28 of Block 6079. (Karen Smith - \$669.00)
- r. Sidewalk at 1623 Albany Avenue, a portion of 6141 (James Turner - \$244.00)
- s. Sidewalk at 1535 Teresa Street, Lot 6 of Block 6080. (Walter P. Wesson Sr. - \$156.52)
- t. Sidewalk along Pearl Street at 1644 Pearl Street, Lots 1 and 2 of Block 6081 (Minnie Woo - \$528.76)
- u. Curb and Sidewalk at 127 Corson Avenue, Lot 14 of Block 652. (Rosalie McLeod \$706.00)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-821

A RESOLUTION APPROVING AMENDMENT TO GRANT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE FEDERAL AVIATION ADMINISTRATION FOR PROJECT NO. 8-06-0153-02, CLEAR ZONE ACQUISITION AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto, California as follows:

Sec. 1. That the City of Modesto shall accept the Amendment No. 1 to the Grant Agreement for Federal Aviation Administration, United States of America, Project No. 8-06-0153-02 for clear zone acquisition at the Modesto City-County Airport/Harry Sham Field; and

Sec. 2. That the City Manager of the City of Modesto is hereby authorized to sign the amendment to the Grant Agreement on behalf of the City of Modesto, and the City Clerk is hereby authorized to attest the signature of the City Manager and to impress the official seal of the City of Modesto on the aforesaid amendment to the Grant Agreement; and

Sec. 3. A true copy of the Amendment No. 1 of Grant Agreement referred to herein is attached hereto and made a part hereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION

Page 1 of 3 Pages  
Modesto City-County Airport  
Modesto, California  
Contract No. DOT FA74WE-2965

AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 8-06-0153-02

WHEREAS, the Federal Aviation Administration (hereinafter referred to as the "FAA") acting for and on behalf of the United States, and the City of Modesto and County of Stanislaus, California (hereinafter referred to as the "Sponsor"), on June 17, 1974, entered into a Grant Agreement relating to the above numbered project; and

WHEREAS, the FAA has determined that, in the interest of the United States, the said Grant Agreement should be amended by extending the time period of 3 years to 7 years for the Sponsor to acquire the portion of each clear zone for Runway 10L/28R as obligated in Special Condition No. 18 of the Grant Agreement.

NOW THEREFORE, in consideration of the benefits to accrue to the parties hereto, the FAA acting for and on behalf of the United States of America, on the one part, and the Sponsor, on the other part, do hereby mutually agree that said Grant Agreement be and is hereby amended in the following particulars but in no other:

Delete Provision No. 18 on Page 9 and substitute in lieu thereof the following:

18. It is hereby understood and agreed by and between the parties hereto that the Sponsor will acquire, within seven (7) years of the date of acceptance of this Grant Offer, fee simple title, or such lesser property interest as may be found satisfactory to the FAA, in and to all areas in both clear zones for Runway 10L/28R as shown on Exhibit "A" except Areas A, D, E and G.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to said Grant Agreement to be duly executed as of the \_\_\_\_\_ day of \_\_\_\_\_ 1978.

UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION  
WESTERN REGION

By *M. J. Madrakis*

Title Chief, Airport District Office,  
Acting SFO-600

CITY OF MODESTO, CALIFORNIA

By \_\_\_\_\_

Title \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Alwyn L. Johnson, acting as Attorney for the City of Modesto, California (hereinafter referred to as "Sponsor") do hereby certify:

That I have examined the foregoing Amendment to Grant Agreement and the proceedings taken by said Sponsor relating thereto, and find that the execution thereof by said Sponsor has been duly authorized and is in all respects due and proper and in accordance with the laws of the State of California, and further that, in my opinion, said Amendment to Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at Modesto, California this 8th day of August, 1978.

Title City Attorney

COUNTY OF STANISLAUS, CALIFORNIA

By \_\_\_\_\_

Title \_\_\_\_\_

Attest: \_\_\_\_\_

Title: \_\_\_\_\_

CERTIFICATE OF SPONSOR'S ATTORNEY

I, \_\_\_\_\_, acting as Attorney for the County of Stanislaus, California (hereinafter referred to as "Sponsor") do hereby certify:

That I have examined the foregoing Amendment to Grant Agreement and the proceedings taken by said Sponsor relating thereto, and find that the execution thereof by said Sponsor has been duly authorized and is in all respects due and proper and in accordance with the laws of the State of California, and further that, in my opinion, said Amendment to Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 1978.

\_\_\_\_\_  
Title \_\_\_\_\_

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-822

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR TRAFFIC SIGNALS AND STREET IMPROVEMENTS AT CARPENTER AND WOODLAND

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for traffic signals and street improvements at Carpenter and Woodland be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-323

A RESOLUTION AMENDING THE 1978-79 FINAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FOR INCREASED APPROPRIATIONS AND REVENUE ESTIMATES IN THE AMOUNT OF \$39,000 FOR TRAFFIC SIGNALS AND STREET IMPROVEMENTS AT CARPENTER AND WOODLAND.

WHEREAS, the City of Modesto and the County of Stanislaus have entered into an agreement for traffic signals and street improvements at Carpenter and Woodland, and

WHEREAS, the revised total cost of said project is estimated to be \$71,000, and

WHEREAS, \$34,856 has been appropriated by the City of Modesto for this project, and

WHEREAS, \$39,000 is available from the County of Stanislaus to finance the increased cost of this project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Final Budget of the City of Modesto's Special Fund for Capital Outlay (Fund No. 321) be changed as follows.

1. Revenue of \$10,500 now estimated in Account No. 266, County Share of Street Projects, be increased \$39,000 to \$49,500.

2. Appropriations of \$34,856 now shown in Capital Account 6033-560, traffic signals and street improvements at Carpenter and Woodland be increased \$36,144 to \$71,000.

3. Appropriations of \$279,862 now shown in Account 60-800, General Revenue, be increased \$2,856 to \$282,718.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-824

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND BART AND GEORGIA L. BARTONI, AND MAWCO DEVELOPMENT FOR THE PURCHASE OF 0.006+ ACRES OF RIGHT OF WAY NEEDED FOR CLAUS ROAD - YOSEMITE TO BRIGGSMORE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Bart Bartoni, and Mawco Development for the purchase of 0.006+ acres of right of way needed for Claus Road - Yosemite to Briggsmore project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk and hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder 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 August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-825

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
KWEI AND DIANA LIU FOR THE DONATION OF RIGHT OF WAY NEEDED FOR THE  
ORANGEBURG - COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Mr. and Mrs. Liu  
for the donation of right of way needed for the Orangeburg - Collier  
to Coffee project, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk  
are hereby authorized and directed to execute said agreement on  
behalf of the City of Modesto and the City Clerk authorized to re-  
cord said Easement Deed with the Recorder 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 August,  
1978, by Councilmember Lang, who moved its adoption, which  
motion being duly seconded by Councilmember Elliott, was upon  
roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

  
\_\_\_\_\_  
NORRINE COZLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 73-826

A RESOLUTION APPROVING THE APPLICATION FOR FUNDS UNDER THE FEDERAL LAND AND WATER CONSERVATION FUND PROGRAM FOR THE DEVELOPMENT OF MUNCY NEIGHBORHOOD PARK

WHEREAS, the Congress under Public Law 38-578 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 the administration of the program within 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, Part V of said applications contain assurances that the applicant must comply with; and

WHEREAS, the proposed Muncy Neighborhood Park project is consistent with the California Outdoor Recreation Resources Plan; 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 for up to \$52,000; and
2. Certifies that said agency understands the assurances in Part V of the application and certifies that it will comply with the regulations, policies, guidelines, and requirements, including

A-95 FMC 74-4 and FMC 74-7, and as they relate to the application.

3. Certifies that said agency has matching funds and can finance 100 percent of the project, half of which will be reimbursed; and
4. Certifies that the project is compatible with the land use plans of those jurisdictions immediately surrounding the project; and
5. Appoints the City Manager as agent of the City to conduct all negotiations, 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 7th day of August, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Elliott , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-827

A RESOLUTION AUTHORIZING FILING OF APPLICATION FOR FUNDS UNDER THE  
1976 STATE BOND ACT FOR THE DEVELOPMENT OF BEYER COMMUNITY PARK  
AND MUNCY NEIGHBORHOOD PARK

WHEREAS, the people of the State of California have enacted the State, Urban, and Coastal Park Bond Act of 1976, which provides funds to the State of California and its political subdivisions for acquiring lands and for developing facilities for public recreation and historical purposes; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the state, setting up necessary procedures governing application by local agencies under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the applicant to certify by resolution the approval of applications prior to submission of said applications to the state; and

WHEREAS, said applications contain assurances that the applicant must comply with; and

WHEREAS, the applicant agency will enter into an agreement with the State of California for the acquisition and/or development of the project.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an application for 1976 state grant assistance in the amount of \$333,920; and
2. Certifies that said agency understands the assurances in the application; and
3. Certifies that said agency has or will have sufficient funds to operate and maintain the project; and

4. Certifies that said agency has reviewed and understands the General Provisions contained in the sample state/local agreement; and
5. Appoints the City Manager as agent of the City to conduct all negotiations, execute and submit all documents including but not limited to applications, agreements, amendments, payment requests, and so on which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-328

A RESOLUTION AMENDING THE 1978-79 FINAL BUDGET OF THE CITY OF MODESTO TO PROVIDE FOR INCREASED APPROPRIATIONS AND REVENUE ESTIMATES OF \$37,920 FOR DEVELOPMENT OF THE PEYER COMMUNITY PARK.

WHEREAS, the City of Modesto is eligible under the State 1976 Bond Act to apply for a grant in the amount of \$333,920 for the development of the Peyer Community Park and Muncy Neighborhood Park, and

WHEREAS, the revenue originally anticipated from this source was \$37,920 less than the total now being applied for, and

WHEREAS, the entire additional amount will be appropriated for development of the Peyer Community Park,

NOW, THEREFORE, BE IT RESOLVED that the Final Budget of the City of Modesto for Fiscal Year 1978-79 be amended as follows:

STATE PARKS AND RECREATION FUND-FUND 328

<u>Account</u>	<u>Title</u>	<u>Current Estimate</u>	<u>Increase</u>	<u>Revised Estimate</u>
		<u>Estimated Revenue</u>		
272	State Grants - Parks & Recreation	296,000	37,920	333,920
		<u>Appropriations</u>		
6372.00/270	Beyer Community Park Development	256,000	37,920	293,920

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Council-member Long, who moved its adoption, which motion being duly seconded by

Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 329

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. 67-66 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 an amendment 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. The Position Classification Plan of the City of Modesto is hereby amended to create a new classification as follows:

CLASSIFICATION CREATED

Senior Rehabilitation Specialist

SECTION 2. The specifications for the classification created, as shown on the attached Exhibit "A" which is hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Long, who moved its adoption, which motion being duly

seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

## DEFINITION

Under supervision of the Housing Program Officer, provides supervision over Rehabilitation Specialists and furnishes professional and technical assistance to property owners participating in the City of Modesto housing program; and does related work as required.

## EXAMPLES OF DUTIES

Makes field inspections of dwellings of potential participants in the housing program; prepares detailed cost estimates of proposed work and presents the estimates to the property owners; prepares specifications for work to be performed; drafts and checks plans; assists property owners in preparing bids and soliciting bidders; reviews bids and assists owners in selection of contractors; works with property owners and contractors to develop suitable agreements; oversees and inspects work performed if requested by property owner. Serves as supervisor to Rehabilitation Specialists, makes field decisions, oversees training of new Rehabilitation Specialists and provides other supervisory functions as requested by the Housing Program Officer.

## SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles.

## DESIRABLE QUALIFICATIONS

### Knowledge of:

- State and county laws, codes and ordinances relating to building construction and zoning;
- Types of building materials and variations in their quality;
- Modern methods of building construction and rehabilitation;
- Principles and techniques of building inspection;
- Principles and techniques of rehabilitation;
- Principles and techniques of real estate appraisal;
- Principles of supervision and training.

and

### Ability to:

- Interpret provisions of applicable codes, ordinances and regulations enforceable by the City;
- Apply technical knowledge of building trades work;
- Use sound inspection methods to examine workmanship and materials, and to detect deviations from plans, specifications, and standard installation practices;
- Prepare work specifications for rehabilitation;
- Accurately estimate the cost of material and labor for potential rehabilitation work;
- Relate to individuals of various socio-economic levels;
- Read and interpret diagrams and specifications;
- Make arithmetic computations rapidly and accurately;
- Maintain cooperative working relationships with engineers, architects, contractors, and the general public;
- Train and supervise subordinates.

and

*Experience:*

*Three years of journeyman-level experience in construction work and the building trades, involving work done in conformance with standard building codes including one year experience in housing rehabilitation construction.*

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-830

A RESOLUTION ANNEXING CERTAIN UNINHABITED TERRITORY  
DESCRIBED HEREIN AND DESIGNATED AS PARADISE-WADE  
ANNEXATION TO THE CITY OF MODESTO \_\_\_\_\_,  
WITHOUT NOTICE OR HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by all of the owners of land residing within territory in the County of Stanislaus requesting annexation of the Paradise-Wade Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated July 26, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Municipal Organization Act of 1977, as amended, have been complied with.

2. The area or territory designated as the Paradise-Wade Annexation to the City of Modesto \_\_\_\_\_ is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 Completion in regard to the environmental impact of said annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]  
Public Works Department

## PARADISE - WADE ANNEKATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest corner of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a North-west corner of ROBERTSON NO. 5 ADDITION (210), as per description filed January 29, 1968, as Instrument 3055, Stanislaus County Records, said point being an interior quarter corner of Section 6;

1. thence along the existing City Limits and a Western line of said ADDITION (210), South  $00^{\circ} 01' 00''$  East, 362.94 feet;
2. thence along the existing City Limits and a Northern line of said ADDITION (210), South  $89^{\circ} 45' 45''$  West, 686.01 feet;
3. thence along the existing City Limits and a Western line of said ADDITION (210), South  $00^{\circ} 08' 30''$  West, 967.18 feet, to the center line of Robertson Road;
4. thence leaving the existing City Limits and continuing along the center line of Robertson Road, South  $89^{\circ} 40' 00''$  West, 688.71 feet;
5. thence North  $00^{\circ} 17' 30''$  East, 1320.26 feet, to the Northern line of Peggy Lane;
6. thence along the North line of Peggy Lane, South  $89^{\circ} 46' 55''$  West, 274.13 feet;
7. thence North  $39^{\circ} 49' 04''$  West, 296.58 feet, to the center line of Paradise Road;
8. thence continuing along the center line of Paradise Road, North  $50^{\circ} 05' 57''$  East, 2390.35 feet, to the center line of Wade Avenue and the North-South quarter Section line of Section 6;
9. thence continuing along the center line of Wade Avenue and said quarter Section line, South  $00^{\circ} 00' 49''$  East, 465.91 feet, to the termination of Wade Avenue;
10. thence continuing along said quarter Section line of Section 6, South  $00^{\circ} 00' 49''$  East, 1277.32 feet, to the point of beginning, containing 67.601 Acres, more or less.



Name	Address
Edmund L. Smith	100 North Emerald Avenue Modesto, CA
Shel Izsak	1029 McHenry Avenue Modesto, CA

and

WHEREAS, the territory which the petitioners request be annexed to the City of Modesto and which said City and its Council propose to annex, is situated in the County of Stanislaus, State of California, and has been designated as \_\_\_\_\_  
Maze-Emerald No. 2 Annexation to the City of Modesto

the exterior boundaries of which are set forth in the description attached hereto as Exhibit C and made a part hereof by reference, and

WHEREAS, no change in school district boundaries shall be effected by reason of the annexation of the hereinafter described territory to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED AND NOTICE IS HEREBY GIVEN that the \_\_\_\_\_  
25th day of \_\_\_\_\_, 1978, at the hour of 7:30 o'clock P.M. in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto be and is hereby fixed as the time and place for considering said annexation, at which time and place any person owning real property within such territory and having any objections to the proposed annexation may appear before the Council of the City of Modesto and show cause why such territory should not be so annexed.

1. Any such protest must be in writing, must be filed with the City Clerk at any time before the conclusion of the hearing on the proposed annexation, and must give the name and address of the owner of real property within such territory with the description and area of such property, in general terms.

2. The City Clerk shall cause a copy of this resolution to be published at least twice, but not more often than once a week in The Modesto Bee, a newspaper

of general circulation, published in the City of Modesto and in the County of Stanislaus and being the official newspaper of the City of Modesto. Said publications shall be completed at least fifteen (15) days prior to the date set for the hearing.

3. The City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to:

- (a) Any person who has filed his name and address with the City Clerk and has requested such mailed notice;
- (b) The chief petitioners, if any, as indicated in the petition initiating proceedings;
- (c) To each affected city, county, and district; and
- (d) To the executive officer of the Local Agency Formation Commission.

4. The City Clerk is directed to cause written notice to be given to such other persons as may be legally entitled thereto, in the manner required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]  
Public Works Department

-----  
IN RE: -----  
MAZE-EMERALD NO. 2 ANNEXATION TO  
THE CITY OF MODESTO -----  
-----

R E S O L U T I O N

July 26, 1978

WHEREAS, at the time and place previously fixed for a public hearing on the proposed Maze-Emerald Addition to the City of Modesto, said public hearing was held; and

WHEREAS, notice of said public hearing was given as required by Section 35055 of the Government Code of the State of California and the affidavit of Lloyd R. Brouillard to this effect is on file; and

WHEREAS, this Commission has heard all parties requesting to be heard on this matter and has given consideration to all factors required by Section 35150 of the Government Code of the State of California.

NOW, THEREFORE, this Commission finds and determines that

- a) the said proposal will not have a significant effect on the environment;
- b) the area involved in the proposal is committed to urbanization and should be located within the City of Modesto where proper urban services are available;
- c) the approval of the proposal would be consistent with all applicable general plans;
- d) the territory is uninhabited.

BE IT RESOLVED that

- a) a negative declaration is ordered filed;

- b) the proposal is designated as the Maze-Emerald No. 2 Annexation to the City of Modesto;
- c) the proposal is approved as submitted
- d) the City of Modesto is designated as the conducting authority;
- e) the City of Modesto is instructed to initiate annexation proceedings on the proposal.

Upon motion by Commissioner Rootlieb , seconded by Commissioner Draper , the foregoing resolution was duly passed and adopted at a regular meeting of the Stanislaus County Local Agency Formation Commission this 26th day of July, 1978, by the following called vote:

AYES:	Commissioners:	Garcia, Rootlieb, Draper, Condit, and Arakelian.
NOES:	Commissioners:	None
ABSENT:	Commissioners;	None
ABSTAINING OR DISQUALIFIED:	Commissioners:	Siefkin and Ulm.

ATTEST:           GEORGE GAEKLE            
          Executive Officer

VIII. PROPONENTS' STATEMENT

- A. State the reason(s) why the proponent(s) feel the annexation should be approved. (Note: this statement or a synopsis of it, will be included in the written report which is submitted to LAFCO.)

None

All that real property in the State of California, County of Stanislaus, being a portion of the South half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of the MAZE-EMERALD ADDITION (288), as per description filed May 3, 1972, as Instrument 17665, Stanislaus County Records, said point being on the Northern line of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point also being on the center line of a 40 foot public road known as North Emerald Avenue and on the Northern line of Maze Boulevard;

1. thence along the existing City Limits and the Eastern boundary of ADDITION (288), North  $00^{\circ}31'30''$  West, 720.67 feet, to the Southern line of 100 foot Modesto Irrigation District Lateral No. 4 Right of Way;
2. thence leaving the existing City Limits and along said Southern line, South  $85^{\circ}52'30''$  East, 362.35 feet;
3. thence continuing along said Southern line, South  $73^{\circ}11'30''$  East, 440.60 feet, to the Northwestern corner of the CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;
4. thence along the existing City Limits and the Western boundary of ADDITION (103), South  $00^{\circ}14'30''$  West, 570.44 feet, to the Northern line of ADDITION (70);
5. thence along said Northern boundary, North  $89^{\circ}45'30''$  West, 774.19 feet, to the point of beginning, containing 11.938 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-832

A RESOLUTION INITIATING PROCEEDINGS FOR THE PROPOSED ANNEXATION  
OF UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS  
VINE STREET NO. 2 ANNEXATION TO THE CITY OF MODESTO  
AND GIVING NOTICE OF TIME AND PLACE FOR HEARING PROTESTS THERETO.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by the owners of real property within territory in the County of Stanislaus requesting annexation of the Vine Street No. 2 Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by resolution dated July 26, 1978, determined that said territory is uninhabited and approved the initiation of proceedings for annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, a copy of which resolution is attached hereto as Exhibit A and made a part hereof by reference, and

WHEREAS, the terms and conditions of the proposed annexation, if any, are set forth in said resolution, and

WHEREAS, the reason or reasons for the proposed annexation in the proposal thereof submitted to the Commission are set forth in page 7 of the application, which page is attached hereto as Exhibit B and made a part hereof by reference, and

WHEREAS, the chief petitioners requesting said annexation as set forth in the application filed with the Commission are:

Name	Address
Richard F. Brehmer	2960 Corte De Maio Walnut Creek, CA 94509
Jon S. Ploof	1505 G Street Modesto, CA 95354

and

WHEREAS, the territory which the petitioners request be annexed to the City of Modesto and which said City and its Council propose to annex, is situated in the County of Stanislaus, State of California, and has been designated as Vine Street No. 2 Annexation to the City of Modesto,

the exterior boundaries of which are set forth in the description attached hereto as Exhibit C and made a part hereof by reference, and

WHEREAS, no change in school district boundaries shall be effected by reason of the annexation of the hereinafter described territory to the City of Modesto.

NOW, THEREFORE, BE IT RESOLVED AND NOTICE IS HEREBY GIVEN that the 25th day of September, 1978, at the hour of 7:30 o'clock P.M. in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto be and is hereby fixed as the time and place for considering said annexation, at which time and place any person owning real property within such territory and having any objections to the proposed annexation may appear before the Council of the City of Modesto and show cause why such territory should not be so annexed.

1. Any such protest must be in writing, must be filed with the City Clerk at any time before the conclusion of the hearing on the proposed annexation, and must give the name and address of the owner of real property within such territory with the description and area of such property, in general terms.

2. The City Clerk shall cause a copy of this resolution to be published at least twice, but not more often than <sup>at</sup> once a week in The Modesto Bee, a newspaper

of general circulation, published in the City of Modesto and in the County of Stanislaus and being the official newspaper of the City of Modesto. Said publications shall be completed at least fifteen (15) days prior to the date set for the hearing.

3. The City Clerk of the City of Modesto shall also cause a copy of this resolution to be mailed to:

- (a) Any person who has filed his name and address with the City Clerk and has requested such mailed notice;
- (b) The chief petitioners, if any, as indicated in the petition initiating proceedings;
- (c) To each affected city, county, and district; and
- (d) To the executive officer of the Local Agency Formation Commission.

4. The City Clerk is directed to cause written notice to be given to such other persons as may be legally entitled thereto, in the manner required by law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ken Campbell  
Public Works Department

LOCAL AGENCY FORMATION COMMISSION

-----  
IN RE: -  
VINE STREET NO. 2 ANNEXATION TO -  
THE CITY OF MODESTO -  
-

R E S O L U T I O N

July 26, 1978

---

WHEREAS, at the time and place previously fixed for a public hearing on the proposed Vine Street No. 2 Annexation to the City of Modesto, said public hearing was held; and

WHEREAS, notice of said public hearing was given as required by Section 35055 of the Government Code of the State of California, and the affidavit of Lloyd R. Brouillard to this effect is on file; and

WHEREAS, this Commission has heard all parties requesting to be heard on this matter and has given consideration to all factors required by Section 35150 of the Government Code of the State of California.

- NOW, THEREFORE, this Commission finds and determines that
- a) the territory involved in the proposal is categorically exempt from the provisions of the California Environmental Quality Act of 1970;
  - b) the area involved in the proposal is committed to urbanization and should be located within the City of Modesto where proper urban services are available;
  - c) the approval of the proposal would be consistent with all applicable general plans;
  - d) the territory is uninhabited;

- a) the proposal is designated as the Vine Street No. 2 Annexation to the City of Modesto;
- b) the proposal is approved as submitted
- c) the City of Modesto is designated as the conducting authority;
- d) the City of Modesto is instructed to initiate annexation proceedings on the proposal.

Upon motion by Commissioner Condit , seconded by Commissioner Garcia , the foregoing resolution was duly passed and adopted at a regular meeting of the Stanislaus County Local Agency Formation Commission this 26th day of July, 1978, by the following called vote:

AYES:	Commissioners:	Garcia, Rootlieb, Draper, Condit, and Arakelian.
NOES:	Commissioners:	None
ABSENT:	Commissioners;	None
ABSTAINING OR DISQUALIFIED:	Commissioners:	Siefkin and Ulm.

ATTEST:           GEORGE GAEKLE            
                  Executive Officer

VIII. PROPONENTS' STATEMENT

- A. State the reason(s) why the proponent(s) feel the annexation should be approved. (Note: this statement or a synopsis of it, will be included in the written report which is submitted to LAFCO.)

None

All that property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VINE ADDITION (257), as per description filed August 6, 1970, as Instrument 25008, Stanislaus County Records, said point being on the center line of 60.00 foot South Franklin Street;

1. thence along the existing City Limits and the Northern line of said ADDITION (257), South  $89^{\circ} 59' 00''$  West, 351.00 feet;
2. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 140.00 feet;
3. thence along the existing City Limits and a Southern line of said ADDITION (257), North  $89^{\circ} 59' 00''$  East, 165.00 feet;
4. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 130.00 feet, to the Northeast corner of the CALIFORNIA-FRANKLIN ADDITION (108), as per description filed May 25, 1960, as Instrument 14995, Stanislaus County Records;
5. thence along the existing City Limits and the Northern line of said ADDITION (108), South  $89^{\circ} 59' 00''$  West, 479.68 feet, to the center line of 50.00 foot Briggs Ditch;
6. thence leaving the existing City Limits and continuing along the center line of said ditch, North  $00^{\circ} 10' 00''$  East, 327.05 feet;
7. thence North  $89^{\circ} 58' 30''$  East, 665.68 feet, to the center line of 60.00 foot Franklin Street and the Western line of the original corporate City Limits;
8. thence South,  $00^{\circ} 10' 00''$  West, 57.05 feet, to the point of beginning, containing 3.315 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-833

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP (R.L. SESSIONS DEVELOPMENT COMPANY)

WHEREAS, the Modesto City Planning Commission held a public hearing on July 18, 1973, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 21-3-9 of the Zoning Map, to rezone from R-1 to R-2 property located on the south side of East Granger Avenue, east of Melrose Avenue, the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-135 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 21-3-9 of the Zoning Map be set for September 11, 1978, at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1979, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

ALL that portion of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows: Commencing at the Northwest corner of the Northeast quarter of the Northeast quarter of the Northwest quarter of said Section 21; thence East along the North line of said Section 21, 165 feet to the point of beginning of this description; thence South 390 feet, more or less, to the center of a pipeline (formerly a ditch); thence East along the center of said pipeline, 165 feet to a point on the West line of the property conveyed to Richard C. Phillips and Emma E. Phillips, his wife, by deed dated October 20, 1920 and recorded October 23, 1927 in Volume 325 of Deeds, at Page 70; thence North along the West line of said Phillips property, 390 feet to the North line of said Section 21; thence West along the North line of said Section 21, 165 feet to the point of beginning.

EXCEPTING therefrom the East 104 feet thereof.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-834

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19-3-9 OF THE ZONING MAP (Rule Development)

WHEREAS, the Modesto City Planning Commission held a public hearing on July 13, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 19-3-9 of the Zoning Map to rezone from R-1 to R-2 property located on the south side of Evergreen Avenue between Grape Avenue and Gay Drive

the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-134 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 19-3-9 of the Zoning Map be set for September 11, 1978 at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

ALL that certain real property situate in the northwest quarter of Section 19, 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 1

Parcel "A" as shown and designated on that certain Parcel Map filed in the office of the County Recorder of Stanislaus County, California, on November 10, 1966, in Volume 2 of Parcel Maps, Page 94.

Parcel 2

Beginning at a point on the North line of said Section 19, a distance of 2089.56 feet East of the Northwest corner of said Section; being the Northwest corner of land conveyed to Mattie J. French, by Deed from John W. McDonald and wife, dated April 11, 1908 and recorded April 11, 1908 in Book 112 of Deeds at Page 583; thence South  $4^{\circ} 30'$  West, 73.26 feet, more or less, to the most easterly corner of land, now or formerly owned by Peter Brunoid; thence West 291.72 feet; thence North 73.26 feet to Section line; thence East along the North line of said Section 295.68 feet more or less, to the point of beginning.

Parcel 3

ALL of Lot B as shown on the map of Dunham Tract filed in Volume 16 at Page 15 in the Stanislaus County Records and also the Southerly 30 feet of Evergreen Avenue immediately adjacent to said Lot B.

EXCEPTING therefrom that portion of Evergreen Avenue, as contained in Parcel 2, lying between the existing centerline of Evergreen Avenue and the North line of said Section 19, immediately adjacent to the above described property.

EXCEPTING also, that portion of said Parcel 1 and Parcel 2, being described as follows:

Commencing at the northwest corner of said Section 19, thence South  $89^{\circ} 21' 30''$  East along the north line of said Section 19 a distance of 1210.90 feet, thence South  $0^{\circ} 34' 22''$  East a distance of 10.00 feet to the centerline of Evergreen Avenue and the true point of beginning of this description; thence South  $89^{\circ} 21' 30''$  East along said centerline of Evergreen Avenue, parallel to and 10.00 feet distant southerly at right angles from the aforementioned north line of Section 19, a distance of 751.69 feet; thence South  $0^{\circ} 34' 30''$  East a distance of 308.49 feet; thence North  $89^{\circ} 21' 30''$  West a distance of 752.27 feet; thence North  $0^{\circ} 34' 22''$  West a distance of 308.49 feet to the point of beginning.

Containing 1.7 Acres

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-835

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 28-3-9 OF THE ZONING MAP (Martin Optical Company)

WHEREAS, the Modesto City Planning Commission held a public hearing on July 18, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 28-3-9 of the Zoning Map, to rezone from C-1 and P-D(121) to P-D(198) property located on the northeast side of 15th Street between G and H Streets

the following described property:

All of that property located in Sec. 28, Township 3 South, Range 9 East in the City of Modesto described as follows:

C-1 to P-D

All of Lots 21 and 22 in Block 120 in the City of Modesto including also the Northerly 40 feet of 15th Street and the Southerly 10 feet of the 20-ft. alley, all being immediately adjacent to said Lots 21 & 22.

P-D(121) to New P-D

All of Lots 23, 24, 25, and 26, in Block 120 in the City of Modesto including also the Northerly 40 ft. of 15th St. and the Southerly 10 ft. of the 20-ft. alley, all being immediately adjacent to said  
and Lots 23, 24, 25, and 26.

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-140 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 28-3-9 of the Zoning Map be set for September 5, 1978, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-836

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AMENDMENTS AND ADDITIONS TO THE ZONING REGULATIONS - OMNIBUS NO. 4

BE IT HEREBY RESOLVED by the Council of the City of Modesto that September 11, 1978 , at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of amendments and additions to the Zoning Regulations - Omnibus No. 4, as follows:

SEE SCHEDULE "A"

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

1. Amend Section 10-2.1810 to modify the standards for temporary parking lots downtown.
2. Amend Section 10-2.1808 to require illumination of parking lots.
3. Amend Article 35 to liberalize provisions for political signs.
4. Amend Section 10-2.3509 to allow larger identification signs for churches and other conditional uses in residential zones.
5. Amend Section 10-2.1101 to clarify placement of bulk petroleum storage tanks in the M-1 Zone.
6. Add Sections 10-2.25.3, 10-2.253.4, and 10-2.801 pertaining to pet stores and pet clinics in the C-1 Zone.
7. Amend Sections 10-2.604 and 10-2.704 and add Section 10-2.3002.2 to provide time limits for plot plan approvals in the R-2, R-3, and P-0 Zones.
8. Amend Section 4-4.404 to make a subdivider's presence at a public hearing on his proposed subdivision non-mandatory.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-837**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON CODE TEXT AMENDMENTS  
TO ALLOW AN AREA CREDIT FOR RIGHT OF WAY DEDICATION FOR CERTAIN STREETS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that September 5, 1978 , at 4:00 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of Code text amendments  
to allow an area credit for right of way dedication for certain  
streets, described as follows:

SEE SCHEDULE "A"

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 7th day of  
August, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Elliott, was upon roll call carried and the resolution  
adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

**SEC. 10-2.1622. AREA CREDIT FOR DEDICATION OF STREET RIGHT-OF-WAY.** Area credits may be granted to the owner of property from which street right-of-way is dedicated as set forth hereinafter. Such credit shall be for the purpose of meeting the minimum square footage area requirements specified by this Code for lots in the zone in which the property is located. Where such dedication would entitle an owner to an area credit under more than one of the following subsections, the owner shall be entitled to the greater of the two credits.

(a) Widening of an Existing Right-of-Way. An area credit may be granted by the City Council to a property owner for the dedication of residentially zoned property to widen an existing right-of-way. The owner of land shall enter into an agreement with the City of Modesto to dedicate such right-of-way in return for such credit. No credit shall be granted where the owner of the property is required to make a dedication of land for street right-of-way by subdivision or parcel map.

(b) Dedication for Certain Collector Streets. An owner of land who is required to dedicate street right-of-way for an existing or to-be-developed collector street in excess of that required for a sixty (60') foot wide right-of-way shall be entitled to an area credit to the extent that the property dedicated is within two hundred fifty (250') feet of a designated major street. The area credit shall apply only to the lots adjacent to the property being dedicated.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-838

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTIONS 16-3-9 AND 17-3-9 OF THE ZONING MAP (City Council initiated)

WHEREAS, the Modesto City Planning Commission held a public hearing on July 13, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Sections 16-3-9 and 17-3-9 of the Zoning Map, east and west side of McHenry Avenue, between Bowen and Briggsmore Avenues

the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-132 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Sections 16-3-9/ and 17-3-9 of the Zoning Map be set for September 11, 1978, at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

PART ONE

ALL that property located in the Southwest one-quarter of Section 16 Township 3 South, Range 9 East of the Mount Diablo Base and Meridian, described as follows:

ITEM 1

ALL of Parcels 1, 2 and 3 as shown on the map filed in Book 15 of Parcel Maps at Page 80 in the Stanislaus County Records.

INCLUDING also the Easterly 55 feet of McHenry Avenue, immediately adjacent to said Parcels 2 and 3, also the Northerly 30 feet of Tokay Avenue immediately adjacent to said Parcel 2.

ITEM 2

BEGINNING at the point of intersection of the centerline of McHenry Avenue with centerline of Tokay Avenue being the true point of beginning; thence North 0° 47' 40" West along the centerline of McHenry Avenue 180.00 feet; thence South 89° 36' 55" East 180.00 feet; thence South 0° 47' 40" East 180.00 feet to a point on the centerline of Tokay Avenue; thence North 89° 36' 55" West along the said centerline 180.00 feet to the true point of beginning.

PART TWO

ALL that property located in the Southeast one-quarter of Section 17, Township 3 South, Range 9 East of the Mount Diablo Base and Meridian described as follows:

ITEM 3

ALL of Parcels A, B, C, and D as shown on the map filed in Book 4 of Parcel Maps at Page 76 in the Stanislaus County Records.

INCLUDING also the Westerly 55 feet of McHenry Avenue, immediately adjacent to the above said Parcels A, B and C.

ITEM 4

ALL of Parcels "A" and "B" as shown on the map filed in Book 4 of Parcel Maps at Page 112 in the Stanislaus County Records.

INCLUDING also the Southerly 30 feet of Bowen Avenue and Westerly 55 feet of McHenry Avenue immediately adjacent to the above said Parcel "B" and the Westerly 55 feet of McHenry Avenue immediately adjacent to above said Parcel "A".

ITEM 5

BEGINNING at the Southeast corner of Parcel "B" as shown on the map filed in Book 4 of Parcel Maps at Page 112 in the Stanislaus County Records also being the point of beginning at the intersection of the west line of McHenry Avenue with the South line of said Parcel "B"; thence South 89° 12' 30" West 240.00 feet; thence South 0° 47' 30" East 100.00 feet; thence North 89° 12' 30" East 240.01 feet to the point of intersection with the said west line of McHenry Avenue; thence North 0° 47' 45" West 100.00 feet along said West side of McHenry Avenue to the point of beginning.

INCLUDING also the Westerly 55 feet of McHenry Avenue immediately adjacent to the above described property.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-839**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY TO ACQUIRE HORN PROPERTY FOR THE CLAUS ROAD - YOSEMITE TO BRIGGSMORE PROJECT**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that August 23, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a Hearing of Necessity to acquire Horn property for the Claus Road - Yosemite to Briggsmore project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-840

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. AND MRS. JOHN BRYNHI FOR THE PURCHASE OF 360+ SQUARE FEET OF RIGHT OF WAY NEEDED FOR THE NEEDHAM - KANSAS TO "P" STREET PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. John Brynhi for the purchase of 360+ square feet of right of way needed for the Needham - Kansas to "P" Street project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk's authorized to record said Grant Deed with the Recorder 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 August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-841

RE-

A RESOLUTION APPOINTING GEORGIA EWING, ROLLIN KELLER, AND GORDON NUTSON TO THE HUMAN RIGHTS COMMISSION, AND APPOINTING VIRGINIA A. JACKSON TO REPLACE LARRY BAILEY ON THE HUMAN RIGHTS 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 <sup>are</sup> hereby appointed to the Human Rights Commission for the respective term as indicated:

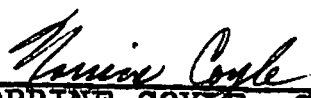
SEE ATTACHED SCHEDULE "A"

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Human Rights 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 August, 1978, by Councilmember Mensing, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

REAPPOINTED TO THE HUMAN RIGHTS COMMISSION

Georgia Ewing                      Term expires 5/1/80  
625 Mamilane  
Modesto, Ca. 95351

Rev. Rollin P. Keller              Term expires 5/1/82  
3416 Bellevue Drive  
Modesto, Ca. 95350

Gordon Nutson                      Term expires 5/1/82  
1706 Waverly Drive  
Modesto, Ca. 95351

APPOINTED TO THE HUMAN RIGHTS COMMISSION

Virginia Ann Jackson              Term expires 5/1/79  
1012 Fish Drive  
Modesto, Ca. 95354

(Replaced Larry Bailey)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-342

A RESOLUTION APPOINTING MEMBER OF THE PERSONNEL COMMISSION, SPENCER C. WOODS TO REPLACE LEO DUGAN, TERM EXPIRING 1/1/82

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 Personnel Commission for the respective term as indicated:

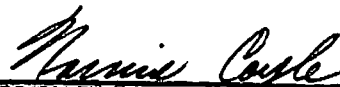
Spencer C. Woods  
1229 Brighton Avenue #271  
Modesto, Ca. 95355  
(Term to expire on 1/1/82)

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Personnel 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 August, 1978, by Councilmember Mensing, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-843**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING AN APPEAL BY D. GARY WEST OF A BOARD OF ZONING ADJUSTMENT DECISION CONCERNING PLACEMENT OF A STATUE AND FLAG AT WEST'S ETHAN ALLEN GALLERY**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that September 5, 1978, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by D. Gary West of a Board of Zoning Adjustment decision concerning placement of a statue and flag at West's Ethan Allen Gallery.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Siefkin

ATTEST: Norrine Coybe  
NORRINE COYBE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-844

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR REPAIRS AND IMPROVEMENTS TO THE CITY HALL PARKING DECK

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for repairs and improvements to the City Hall parking deck 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 12, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-845

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR PUBLIC IMPROVEMENTS HOUSING TARGET AREA NO. 2**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for public improvements Housing Target Area No. 2

copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 29, 1978, at 11:00 a.m. and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Siefkin

**ATTEST:**

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-846

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR REMODELING THE SENIOR CITIZEN CENTER LOCATED AT 211 BODEM STREET

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for remodeling the Senior Citizen Center located at 211 Bodem Street copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on September 5, 1978, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-847

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINE EXTENSION ON SCENIC DRIVE BETWEEN EASTRIDGE DRIVE AND FONTANA COURT AND ON RIVERSIDE DRIVE AND YOSEMITE BOULEVARD**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of waterline extension on Scenic Drive between Eastridge Drive and Fontana Court and on Riverside Drive and Yosemite Boulevard copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on August 29, 1978, at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Siefkin

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-848**

**A RESOLUTION ACCEPTING THE BID OF MAC'S BACKHOE SERVICE FOR CONSTRUCTION OF WATERLINES IN BEYERWOOD EAST NO. 2 AND WATERLINE EXTENSION TO FIRE STATION NO. 6 ON STANDIFORD AVENUE**

**WHEREAS, Resolution No. 78-711 , adopted by the Council of the City of Modesto on July 10, 1978 , approved the plans and specifications for the construction of waterlines in Beyerwood East No. 2 and waterline extension to Fire Station No. 6 on Standiford Avenue and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterlines in Beyerwood East No. 2 and waterline extension to Fire Station No. 6 on Standiford Avenue**

**were opened at 11:00 a.m. , August 1, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Mac's Backhoe Service in the amount of \$84,857.15**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mac's Backhoe Service in the amount of \$84,857.15**

**be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-849**

**A RESOLUTION ACCEPTING THE BID OF REED EQUIPMENT COMPANY FOR THE PURCHASE  
OF ONE TRACTOR-LOADER-BACKHOE COMBINATION**

**WHEREAS, Resolution No. 78-732 , adopted by the Council of the  
City of Modesto on July 17, 1973 , approved the plans and speci-  
fications for the purchase of one tractor-loader-backhoe combination**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the purchase of one tractor-loader-  
backhoe combination  
were opened at 2:00 p.m. on August 1, 1973, 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 Reed Equipment Company in the amount of \$14,133.80**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Reed Equipment Company in the amount of \$14,133.80**

**be accepted and the execution of a contract for the completion of the  
project by the City's designated officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 14th day of August,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-850

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF A T-HANGAR "H" AT THE CITY-COUNTY AIRPORT AS COMPLETE**

WHEREAS, a report has been filed by the Director of Public WORKS that the construction of a T-Hangar "H" at the City-County Airport has been completed by Tri-County Builders, Inc.

in accordance with the contract agreement dated April 10, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of a T-Hangar "H" at the City-County Airport be accepted from said contractor, Tri-County Builders, Inc.;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$125,633 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 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-851

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING CITY MANAGER TO SIGN A PURCHASE AGREEMENT WITH THE BURROUGHS CORPORATION FOR THE PURCHASE OF THE BURROUGHS B1865 CENTRAL PROCESSING UNIT

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a Burroughs B1865 Central Processing Unit (including the Multi-line Control) is hereby waived.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign a purchase agreement with the Burroughs Corporation for the purchase of the Burroughs B1865 Central Processing Unit at a total cost of \$125,345, including tax.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyiz*  
NORRINE COYIZ, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-852

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING CITY MANAGER TO SIGN A PURCHASE AGREEMENT WITH THE AMERICAN RUBBER COMPANY FOR THE PURCHASE OF A FIRE HOSE

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a fire hose is hereby waived.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign a purchase agreement with the American Rubber Company for the purchase of a fire hose for a total price of \$10,240.13, including tax.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-853

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICAN, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U.S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as Amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that:

1. That the City Manager of the City of Modesto is authorized to execute and file an application on behalf of the City of Modesto with the U.S. Department of Transportation, to aid in the financing of operating assistance projects in Fiscal Year 1978-79, pursuant to

Section 5 of the Urban Mass Transportation Act of 1964, as amended.

2. That the City Manager of the City of Modesto is authorized to execute and file with such applications an assurance or any other document required by the U.S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That Douglas F. Carmody, Director of Parking and Traffic, is authorized to furnish such additional information as the U.S. Department of Transportation may require in connection with the application or the project.
4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the City Manager of the City of Modesto is authorized to execute grant contract agreements on behalf of the City of Modesto with the U.S. Department of Transportation for aid in the financing of the operating assistance projects.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Mensinger, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-854

A RESOLUTION ADOPTING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN ENTITLED "CONSERVATION ELEMENT"; AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AND TO THE CITY COUNCILS OF THE CITIES OF CERES AND RIVERBANK.

WHEREAS, pursuant to the provisions of the Government Code of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council a comprehensive, long-term general plan for the physical development of the city and land outside its boundaries which, in the Commission's judgment, bears relating to its planning, and

WHEREAS, a General Plan for the City of Modesto entitled "Modesto-Ceres-Empire Area General Plan", was recommended by the Modesto City Planning Commission and adopted by the Council of the City of Modesto by Resolution No. 59-33 on January 23, 1959, and

WHEREAS, thereafter the Planning Commission of the City of Modesto determined and found that amendments to said adopted General Plan of the City of Modesto and surrounding urban area were in the public interest, and said General Plan was 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, (Amended 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. 77-765, adopted on July 25, 1977, (Amendment to Land Use and Circulation Elements Map-Orchard Neighborhood),

and

WHEREAS, the Planning Commission of the City of Modesto has determined and found that an amendment to said General Plan to add a Conservation Element is in the public interest, and

WHEREAS, the Planning Commission held a public hearing on July 5, 1978, on said proposed Conservation Element, and

WHEREAS, the Planning Commission by Resolution No. 78-123, adopted on July 5, 1978, has approved and recommended to the City Council an amendment to the Modesto Urban Area General Plan, which amendment is entitled "Conservation Element", and

WHEREAS, the City Council held a public hearing on said amendment, as approved and recommended by the Planning Commission, on August 14, 1978, at 7:30 p.m., in the Council Chambers, in City Hall, Modesto, California, as required by law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby adopt an amendment to the Modesto Urban Area General Plan entitled "Conservation Element", dated June, 1978, as approved and recommended by the Planning Commission, copies of which are on file in the office of the Director of Planning and in the office of the City Clerk, and which by this reference is hereby made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby directed to certify a copy of said "Conservation Element" of the Modesto Urban Area General Plan to the Poard of Supervisors of the County of Stanislaus, the City Council of the City of Ceres, and the City Council of the City of Riverbank.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978,

by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn E. Johnson*  
ELWYN E. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 855

A RESOLUTION ADOPTING AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN ENTITLED "NOISE ELEMENT"; AND CERTIFYING COPIES THEREOF TO THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS AND TO THE CITY COUNCILS OF THE CITIES OF CERES AND RIVERBANK.

WHEREAS, pursuant to the provisions of the Government Code of the State of California, the Modesto City Planning Commission is charged with the responsibility of recommending to the City Council a comprehensive, long-term general plan for the physical development of the city and land outside its boundaries which, in the Commission's judgment, bears relating to its planning, and

WHEREAS, a General Plan for the City of Modesto entitled "Modesto-Ceres-Empire Area General Plan", was recommended by the Modesto City Planning Commission and adopted by the Council of the City of Modesto by Resolution No. 59-33 on January 23, 1959, and

WHEREAS, thereafter the Planning Commission of the City of Modesto determined and found that amendments to said adopted General Plan of the City of Modesto and surrounding urban area were in the public interest, and said General Plan was 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, (Amended 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. 77-765, adopted on July 25, 1977, (Amendment to Land Use and Circulation Elements Map-Orchard Neighborhood),

and

WHEREAS, the Planning Commission of the City of Modesto has determined and found that an amendment to said General Plan to add a Noise Element is in the public interest, and

WHEREAS, the Planning Commission held a public hearing on July 5, 1978, on said proposed Noise Element, and

WHEREAS, the Planning Commission by Resolution No. 78-122, adopted on July 5, 1978, has approved and recommended to the City Council an amendment to the Modesto Urban Area General Plan, which amendment is entitled "Noise Element", and

WHEREAS, the City Council held a public hearing on said amendment, as approved and recommended by the Planning Commission, on August 14, 1978, at 7:30 p. m., in the Council Chambers, in City Hall, Modesto, California, as required by law,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby adopt an amendment to the Modesto Urban Area General Plan entitled "Noise Element", dated June, 1978, as approved and recommended by the Planning Commission, copies of which are on file in the office of the Director of Planning and in the office of the City Clerk, and which by this reference is hereby made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED by the Council that the City Clerk is hereby directed to certify a copy of said "Noise Element" of the Modesto Urban Area General Plan to the Board of Supervisors of the County of Stanislaus, the City Council of the City of Ceres, and the City Council of the City of Riverbank.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978,

by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

Py *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-856

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (196) \_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
21-3-9 of the Zoning Map was filed by Charles Avery  
\_\_\_\_\_ on May 19, 1978, to  
reclassify from Medium Density Residential Zone, R-2  
to Planned-Development Zone, P-D, the following described property:

All that real property situated in Section 21, Township 3 South, Range 9 East,  
Mt. Diablo Base and Meridian, in the City of Modesto described as follows:

All of Parcel "C" as shown on map recorded in Book 25 of Parcel Maps, at  
Page 77, Stanislaus County Records.

WHEREAS, after public hearing held on June 20, 1978, and continued to July 5, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The density of development does not exceed that allowable in the R-2 Zone.
2. The proposed detached apartments will offer an alternative housing style to Modesto residents.
3. The proposed development is consistent with City policy to infill bypassed parcels within the urban area.

WHEREAS, after a public hearing held on August 14, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Charles Avery for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1763--C.S. on the 14th day of August, 1978, reclassifying the above-described property from Medium Density Residential Zone, R-2 to Planned-Development Zone, P-D (196).



9. That all outdoor lighting shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
10. That prior to the occupancy of any of the dwelling units, the developer shall construct a 6-foot high masonry pilaster and wood fence along the perimeter of the project.
11. That all trash shall be maintained in individual containers or in fully enclosed common trash areas in locations approved by the Director of Planning and Community Development. If the common trash enclosures are used, they shall be constructed of solid masonry with wooden doors or chainlink gates with slats to be kept closed at all times. If individual containers are used, they shall be maintained screened from view of the private streets, driveways, or adjacent residences.
12. That prior to the issuance of a building permit for any development, the developer shall establish street names for the private streets cleared by the County Planning Department to avoid duplication of names with other developments, both public and private.
13. That public utility easements be dedicated as required by the utility companies serving the project.
14. That the Coolidge Avenue frontage of the project shall be dedicated and improved to City of Modesto collector street standards.
15. That all curbs, gutters, and sidewalks on the interior of the project shall be constructed of concrete.
17. That an access easement shall be obtained as shown for the easterly access drive and that both access drives shall be fully developed as shown on the plot plan prior to occupancy of any structures on the premises,

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (196) \_\_\_\_\_ :

That the construction program shall be accomplished in one phase with construction to begin on or before September, 1981, and be completed on or before September 1, 1983.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (196\_\_ ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Kullijian, Lang, Mensinger, Mayor Davis

NOES: Councilmembers: Dunlap, Elliott

ABSENT: Councilmembers: Siefkin

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By John R. Oney  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO.78-857

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CHARLES AVERY)

WHEREAS, on August 14, 1978, the City Council adopted Ordinance No. \_\_\_\_\_ giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map to rezone certain property from Medium Density Residential Zone, R-2 to Planned Development Zone, P-D(196)

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 21-3-9 of the Zoning Map to rezone certain property from Medium Density Residential Zone, R-2 to Planned Development Zone, P-D(196)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: Dunlap, Elliott

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 858

A RESOLUTION DECLARING A NEED FOR LOW-RENT HOUSING AND CALLING A SPECIAL ELECTION BY THE VOTERS OF THE CITY OF MODESTO.

WHEREAS, in order to construct low-rent housing projects in the City of Modesto, Article XXXIV of the Constitution of the State of California requires that a special election by the voters of the City of Modesto be called, and

WHEREAS, the City Council of the City of Modesto finds that there is a need for low-rent housing in the City of Modesto to be constructed with local, state and/or federal funds by private or public agencies,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. ELECTION CALLED. That the City Council of the City of Modesto does hereby call a Special Election in the City of Modesto on November 7, 1978, said Special Election to be known as "Special Low-Rent Housing Election".

SECTION 2. FORM OF BALLOT. On the ballots to be used at said election and on the voting machines used at said election, in addition to any other matter required by law to be printed thereon, shall be printed the question:

"Shall private non-profit sponsors and/or the Housing Authority of the County of Stanislaus develop, construct and acquire with financial assistance from the California Housing Finance Agency or the federal government, low rent housing in the City of Modesto of not more than 400 dwelling units for living accommodations for elderly persons and/or families who lack the amount of income necessary to enable them, without financial assistance, to live in decent, safe and sanitary dwellings without overcrowding? "

SECTION 3. CONDUCT OF ELECTION. Said special municipal election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, said special municipal election shall be held as provided for in the Charter of said City and in all particulars not provided for therein said election shall be held as provided by law for the holding of special municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

(a) All persons qualified to vote at municipal elections in said City of Modesto on the day of said special municipal election herein provided for shall be qualified to vote upon said measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special municipal election.

(b) The polls at the polling places hereinafter referred to for said special municipal election shall be opened at 7:00 a.m. of said day of election, and shall be kept open continuously thereafter until 8:00 p.m. of said day of election, when the polls shall be closed (except as provided in Section 14436 of the Elections Code), and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(c) Said special municipal election shall be and is hereby consolidated with the State of California General Election to be held in Stanislaus County and in the City of Modesto on the date of said special municipal election hereby called, and the election precincts, polling places, voting booths and voting machines shall in every case be the same, and there shall be only one set of election officers in each of said precincts; and the precincts, polling places and officers of election within said city for said special municipal election shall be

the same as those selected or to be selected and designated by the Board of Supervisors of Stanislaus County for said State of California General Election and set forth or to be set forth in the notice of election officers and polling places for said General Election published or to be published by the County Clerk of said County, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for said special municipal election hereby called. Only qualified voters of said City shall be permitted to vote at said special municipal election hereby called. The Board of Supervisors of Stanislaus County is authorized to canvass, or cause to be canvassed, the returns of said special municipal election with respect to the votes cast in said City and to certify the results to the Council.

(d) On the ballots and voting machines to be used at said General Election and said special municipal election hereby consolidated therewith, in addition to all other matters required by law to be printed thereon, shall appear the proposal set forth in Section 2 hereof.

(e) Where ballots are used, to vote in favor of said measure a voter shall stamp a cross (+) in the blank space opposite the word "YES" on the ballot to the right of said proposals, and to vote against said proposals a voter shall stamp a cross (+) in the blank space opposite the word "NO" on the ballot to the right of said proposals.

Where voting machines are used, said voting machines shall be so arranged that to vote in favor of said measure a voter shall pull down a voting pointer over the word "YES" near said measure appearing on cardboard, paper or other material placed on the front of the machine, and pull an operating lever, and to vote against said measure a voter shall pull down a voting pointer over the word "NO" near said measure appearing on cardboard, paper or other material placed on the front of the machine, and pull an operating lever.

(f) The votes cast for and against said measure shall be counted separate and apart from all other measures to be submitted at said General Election and said special municipal election hereby called, and if a majority of the qualified voters voting on said measure vote in favor thereof, said measure shall be deemed approved.

(g) At the next regular meeting of the Council occurring after the returns of said special municipal election have been canvassed and the results thereof certified by the Board of Supervisors of Stanislaus County to the Council, or at a special meeting called thereafter for such purpose, the Council shall cause to be spread upon its minutes a statement of the results of said special municipal election as ascertained by said canvass.

SECTION 4. NOTICE. The City Clerk of the City of Modesto is hereby authorized to prepare and sign a notice of the measure to be vote on, in the form required by law, relating to said special municipal election hereby called, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

SECTION 5. The City Clerk of the City of Modesto is hereby authorized and directed (1) to cause copies of the text of said measure to be printed in convenient pamphlet form and in type of not less than ten-point and to cause copies thereof to be mailed to each of the qualified electors of said City, and (2) until the day fixed for said special municipal election to advertise daily in THE MODESTO BEE, a newspaper of general circulation in said CITY, a notice that copies of said pamphlet may be had on application therefor. Said notice shall be in substantially the following form:

NOTICE OF AVAILABILITY OF LOW-RENT HOUSING MEASURE

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Modesto that copies of the low-rent housing measure proposed by the Council on its own motion, in pamphlet form, are on file in the office of the City Clerk, City Hall, 801 11th Street, Modesto, California, and may be had upon application therefor.

NORRINE COYLE  
City Clerk of the City of Modesto

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

CLERK'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 14th day of August, 1978, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was introduced by Councilmember Dunlap, and read in full, and was thereupon, upon motion of Councilmember Dunlap, seconded by Councilmember Lang, adopted by the following vote:


AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said Resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto, this 15th day of August, 1978.

  
\_\_\_\_\_  
NORRINE COYLE  
City Clerk of the City of Modesto  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-859

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
MODESTO REQUESTING THE BOARD OF SUPERVISORS  
OF STANISLAUS COUNTY TO PROVIDE FOR THE  
CONSOLIDATION OF A SPECIAL MUNICIPAL ELECTION  
WITH THE STATE OF CALIFORNIA GENERAL ELECTION  
TO BE HELD NOVEMBER 7, 1978.

WHEREAS, the Council of the City of Modesto, in Stanislaus County, State of California, has adopted a resolution calling a special municipal election in said City to be held on Tuesday, November 7, 1978, at which will be submitted to the qualified electors of said City a measure to allow construction of low-rent housing in the City of Modesto, and

WHEREAS, a State of California General Election will be held on Tuesday, November 7, 1978, and it is the desire of said Council that said special municipal election be consolidated with said General Election,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. Said special municipal election shall be consolidated with the State of California General Election to be held on Tuesday, November 7, 1978, at which election shall be submitted to the qualified electors of said City the following question, to wit:

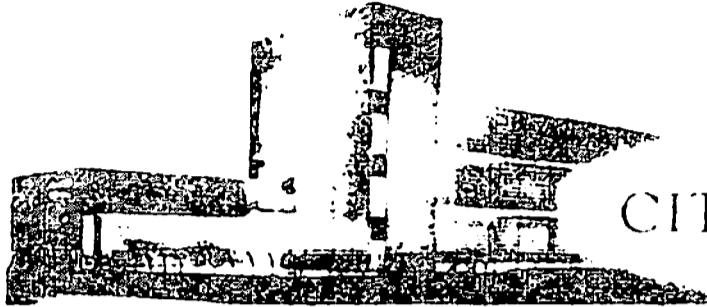
CITY OF MODESTO MEASURE	
<p><u>MEASURE</u></p> <p>City of Modesto Low-Rent Housing Proposal</p>	<p>Shall the Housing Authority of the County of Stanislaus develop, construct and acquire, in the City of Modesto and Modesto Elementary School District, with federal financial assistance low rent housing, of not to exceed in the aggregate three hundred (300) dwelling units for living accommodations for persons of low income including elderly.</p>
	<p>YES</p> <hr style="width: 50%; margin: 0 auto;"/> <p>NO</p>

SECTION 2. The Board of Supervisors of Stanislaus County is hereby requested to order the consolidation of said special municipal election with the State of California General Election to be held on Tuesday, November 7, 1978, in so far as the City of Modesto is concerned, and to further provide that within the territory affected by said order of consolidation, to wit, the City of Modesto, the election precincts, polling places, voting booths and voting machines shall in every case be the same, and there shall be only one set of election officers in each of said precincts. Said measure shall be set forth on all ballots and on all voting machines to be used at said General Election in so far as the same is held within said City of Modesto. Said Board of Supervisors of Stanislaus County is further requested to order the County Clerk of Stanislaus County (i) to set forth on all sample ballots relating to said consolidated elections, to be mailed to the qualified electors of said City, said measure hereinabove set forth, and to mail with said sample ballots to said electors printed copies of the proposed low-rent housing measure in pamphlet form and printed copies of arguments (if any) for and against said measure, and (ii) to provide absent voter ballots for said General Election and said special municipal election consolidated therewith for use by qualified electors of said City who are entitled thereto, in the manner provided by law.

SECTION 3. Said Board of Supervisors of Stanislaus County is hereby further authorized to canvass, or cause to be canvassed, as provided by law, the returns of said special municipal election with respect to the votes cast on said measures and to certify such canvass of the votes cast for and against said measure to this Council.

SECTION 4. The City Clerk is hereby authorized and directed to certify to the due adoption of this resolution and to transmit a copy hereof so certified to the Board of Supervisors of Stanislaus County and to file a copy hereof so certified with the County Clerk of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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:



CITY OF MODESTO  
CALIFORNIA

OFFICE OF CITY CLERK

CITY OF MODESTO, CALIFORNIA

P. O. BOX 100, 95353

TEL. 527-2300

To whom it may concern:

In Modesto City Council Resolution No. 78-859, there is a typographical error in the wording of the ballot measure in Section 1, at the bottom of Page 1. The typist copied this wording from a previous resolution which was being used as a guide.

All of the other resolutions regarding this election as well as the ballot, sample ballot, voters information pamphlet, and the legal advertisements of the "Measure to be voted on" and "Notice of public hearing" include the correct wording.

ATTEST: Norrine Coyle  
NORRINE COYLE  
City Clerk

July 30, 1979

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-860

A RESOLUTION TRANSMITTING COPY OF PROPOSED MEASURE AMENDING THE  
CITY CHARTER TO THE CITY ATTORNEY FOR IMPARTIAL ANALYSIS

WHEREAS, Section 5010.5 of the Elections Code provides that whenever any city measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the measure to the City Attorney for preparation of an impartial analysis of the measure; and

WHEREAS, a copy of the measure concerning low rent housing proposed for the November 7, 1978 ballot is attached hereto, marked Exhibit "A", and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby authorized to transmit a copy of the measure to the City Attorney for preparation of an impartial analysis explaining the effect of the measure.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analysis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST:

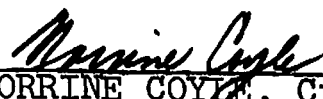
  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

EXHIBIT "A"

"Shall private nonprofit sponsors and/or the Housing Authority of the County of Stanislaus develop, construct, and/or acquire with financial assistance from a state public body or the federal government, low rent housing in the City of Modesto of not more than 400 dwellings for living accommodations for elderly persons and/or families who lack the amount of income necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings without overcrowding."

Exhibit "A"

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-861

A RESOLUTION ACCEPTING IMPROVEMENTS IN OAKMONT NO. 3 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Price Enterprises  
subdividers of Oakmont No. 3 Subdivision , have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$140,500 and \$70,250 respectively to guarantee improvements  
in Oakmont No. 3 Subdivision ; and

WHEREAS, the Director of Public Works in a memorandum dated  
August 3, 1978 , 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 Oakmont No. 3 Subdivision are  
hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
Bond for faithful performance in the amount of \$140,500.00 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
Bond for labor and materials in the amount of \$70,250.00 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978 by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-862

A RESOLUTION ACCEPTING IMPROVEMENTS IN OAKMONT NO. 4 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Price Enterprises  
subdividers of Oakmont No. 4 Subdivision , have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$115,800 and \$57,900 respectively to guarantee improvements  
in Oakmont No. 4 Subdivision ; and

WHEREAS, the Director of Public Works in a memorandum dated  
August 3, 1978 , 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 Oakmont No. 4 Subdivision are  
hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
Bond for faithful performance in the amount of \$115,800.00 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
Bond for labor and materials in the amount of \$57,900.00 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August 14, 1978 by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST:

*Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-863

LEASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD P. LA TOURETTE FOR HANGAR NO. 4 AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
lease  
that the/agreement between the City of Modesto and Donald P.

La Tourette

for Hangar No. 4 at the Modesto City-County Airport/Harry Sham  
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  
August, 1973, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-864

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND R.W. ARNOLD, MAI FOR THE APPRAISAL OF THE BOMBERGER AND SCOTT PROPERTIES NEEDED FOR DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and R.W. Arnold, MAI, for appraisal of the Bomberger and Scott properties which are needed for 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 August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-865

A RESOLUTION APPROVING THE CITY OF MODESTO'S OBTAINING AIRPORT LIABILITY INSURANCE FROM ASSOCIATED AVIATION, INC.

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the City of Modesto will obtain Airport Liability Insurance from Associated Aviation, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-866

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. AND MRS. JERRY L. UTKE FOR THE PURCHASE OF 0.07+ ACRES OF RIGHT OF WAY NEEDED FOR THE ORANGEBURG - COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Jerry L. Utke for the purchase of 0.07+ acres of right of way needed for the Orangeburg - Collier to Coffee project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Councilmember: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Mayor Davies

NOES: Councilmember: None

ABSENT: Councilmember: Siefkin

ATTEST:

  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-867

MAINTENANCE

A RESOLUTION APPROVING/ AGREEMENT BETWEEN THE CITY OF MODESTO AND  
BURROUGHS CORPORATION FOR THE TOTAL AMOUNT OF \$3,815.36

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
maintenance  
that the/ agreement between the City of Modesto and Burroughs  
Corporation  
for maintenance of 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 14th day of  
August, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-868**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING REGARDING AMENDMENTS  
TO THE CONFLICT OF INTEREST CODE FOR CITY MANAGER'S OFFICE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that September 5, 1978 , 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 amendments to the Conflict of Interest Code for the City Manager's Office to add the title of Personnel Manager.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Siefkin

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-869

A RESOLUTION TERMINATING AGREEMENT BETWEEN THE CITY OF MODESTO AND HILLERY VOLKSWAGEN INC., EFFECTIVE AUGUST 14, 1978, FOR LEASE OF THE OLD CORPORATION YARD

WHEREAS, on September 23, 1974, the City of Modesto entered into an agreement with Hillery Volkswagen Inc., for lease of the Old Corporation Yard; and

WHEREAS, it is the recommendation of the staff that the contract between the City of Modesto and Hillery Volkswagen Inc., for the lease of the Old Corporation Yard be terminated effective August 14, 1978, by mutual agreement of the parties; and

WHEREAS, this action has been initiated by staff as a result of Hillery ceasing to use any portion of the premises.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that termination of the agreement, effective August 14, 1978, between the City of Modesto and Hillery Volkswagen Inc., dated September 23, 1974, for use of the Old Corporation Yard is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.78-870

LEASE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
GRISSOM PONTIAC FOR USE OF THE OLD CORPORATION YARD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Grissom Pontiac,  
Inc.

for use of the Old Corporation Yard, said lease to expire on  
September 22, 1979

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
August, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-871

A RESOLUTION APPROVING RIGHT OF ENTRY AGREEMENT BETWEEN THE CITY OF MODESTO AND CAPITAL CONSTRUCTION COMPANY CONCERNING 0.26+ ACRES OF RIGHT OF WAY NEEDED FOR CLAUS ROAD - YOSEMITE TO BRIGGSMORE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of entry agreement between the City of Modesto and Capital Construction Company concerning 0.26+ acres of right of way needed for Claus Road - Yosemite to Briggsmore Project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of entry agreement on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-872

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND RONALD MALIK FOR THE DONATION OF NEEDED RIGHT OF WAY FOR THE ORANGEBURG-COLLIER TO COFFEE PROJECT

WHEREAS, Section 10-2.1622 of the Modesto Municipal Code gives the Council the discretion of allowing a developer the right to determine the number of dwelling units in a development based on gross property area before the needed right of way is donated, and is only applicable when the City is widening an existing street; and

WHEREAS, the subject property is located within the limits of street widening project (Orangeburg-Collier to Coffee) for which right of way is presently being acquired;

WHEREAS, owner, Ronald Malik, has been offered \$2,900.00 for the needed right of way, but has approached the City to allow Section 10-2.1622 to be used; and

WHEREAS, the property would be about 1200 square feet short of the 3,000 square feet per lot requirement; and

WHEREAS, the staff has reviewed the situation and feels that the additional unit allowance will have no significant effect on the overall development of this property.

NOW, THEREFORE, BE IT RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-873

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
THE GREAT VALLEY TRAVEL CLUB

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
amended  
that the/agreement between the City of Modesto and the Great Valley  
Travel Club

for a 90-day extension on agreement to construct an aircraft parking  
apron by October 31, 1978

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
August, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-874

A RESOLUTION DENYING REQUEST TO PLACE SIGNS AT DUTCHOLLOW SUBDIVISION  
ENTRANCE

WHEREAS, Paul Zagaras requested City Council approval to install two entrance island signs on collector streets, intersecting with Snyder Avenue, at Dutchollow Subdivision; and

WHEREAS, after consideration, the Council of the City of Modesto determined that the requested entrance island signs should be denied because of the difficulty of maintaining the signs, the probability that it would be necessary for the City of Modesto to maintain the signs, and because signs of this type should not be located in the public right-of-way.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request for two entrance island signs be denied 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 14th of August, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Mayor Davies

NOES: Councilmembers: Kullijian, Lang

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-875

A RESOLUTION APPROVING REVISED AGREEMENT  
BETWEEN THE CITY OF MODESTO AND LOCAL  
VETERINARIANS TO PROVIDE A SPAY AND NEUTER  
PROGRAM FOR CATS AND DOGS.

WHEREAS, the Council of the City of Modesto by Resolution No. 78-756,  
adopted on July 17, 1978, approved an agreement between the City of Modesto and  
local veterinarians to provide a spay and neuter program for dogs and cats, and

WHEREAS, the Council of the City of Modesto now desires to amend  
said agreement,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City  
of Modesto that the revised agreement between the City of Modesto and local  
veterinarians wishing to participate in the execution of a spay and neuter program  
for cats and dogs be, and is hereby approved.

BE IT FURTHER RESOLVED, that the execution of said agreement  
by the designated city officials in substantially the form attached, be, and hereby  
is authorized.

BE IT FURTHER RESOLVED, that those agreements with veterinarians  
executed under authority of City Council Resolution No. 78-756, adopted on July 17,  
1978, shall continue in full force and effect.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 14<sup>th</sup> day of August, 1978, by  
Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

A G R E E M E N T

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, by and between the CITY OF MODESTO, a municipal corporation of the State of California, hereinafter called "CITY" and ( \_\_\_\_\_, licensed to practice veterinary medicine in the State of California), (dba, \_\_\_\_\_), (a professional corporation) (a partnership \_\_\_\_\_), (name of Clinic) whose general partners are \_\_\_\_\_), (each licensed to practice veterinary medicine in the State of California) whose principal address is \_\_\_\_\_, hereinafter called "CONTRACTOR".

W I T N E S S E T H

WHEREAS, CITY has determined that the operation of spay and neuter clinics for dogs and cats would assist in reducing the increasing numbers of these animals, thereby reducing the problems of animal regulation in the City of Modesto, and

WHEREAS, CITY has determined that it, therefore, has a legitimate interest in providing to the public spaying and neutering services for dogs and cats, and

WHEREAS, CITY has determined that contracting with private hospitals and clinics to provide such spaying and neutering services is an appropriate method for making such services available to the public,

NOW, THEREFORE, CITY AND CONTRACTOR AGREE AS FOLLOWS to provide the services and to abide by the terms hereinafter described:

1. Services by CONTRACTOR. Upon referral by CITY'S Director of Finance or his authorized agent, CONTRACTOR shall perform feline and canine ovario-hysterectomies and castrations at its facility located at \_\_\_\_\_.

(name and address of Clinic)

Services hereunder shall include post-operative care, medication and hospitalization required as a result of the surgery, but in no case for longer than fourteen (14) days following the surgery.

2. Performance to Professional Standards. All surgical procedures hereunder shall be performed by licensed veterinarians and shall meet or exceed standards established by the Northern California San Joaquin Veterinary Medical Association, and the California Veterinary Medical Association.

3. Responsibilities of CITY. CITY, in its sole discretion, shall provide spaying/neutering certificates to certain animal owners which animal owners may use to obtain the surgical procedures to be performed pursuant to this Agreement. These certificates shall contain at least the following information:

(a) Section to be completed by CITY, designating:

- (1) Name, address and telephone number of owner.
- (2) Description, and license number, if any, of animal to be presented for surgery.

(b) Section to be completed by CONTRACTOR, designating:

- (1) Type of surgical procedure to be performed, and fees charged.
- (2) Whether a rabies vaccination was administered.

4. Scheduling. CONTRACTOR shall schedule surgery as nearly as possible in the order in which owners contact CONTRACTOR for appointments. CONTRACTOR shall notify CITY whenever it is unable to schedule surgery within thirty (30) days after its first contact with an animal owner desiring the surgery.

5. Right to Disqualify Animals. CONTRACTOR may refuse to perform surgery on an animal if an examination by a veterinarian to CONTRACTOR'S facility reveals a medical contraindication. CONTRACTOR shall then enter on the spaying/neutering certificate the reasons for disqualification and provide a copy of this form to the owner and to CITY at the time of disqualification. CONTRACTOR shall make no charge for the examination.

6. Charges to Owners. (a) Upon presentation of a valid spaying/neutering certificate, the maximum fees which CONTRACTOR may charge owners for surgery hereunder are:

Feline castration	\$15
Feline ovario-hysterectomy	\$21
Canine castration	\$18
Canine ovario-hysterectomy	
1 - 50 lbs	\$25
Over 50 lbs, but less than 90 lbs	\$35
Over 90 lbs	\$50

These fees shall not include any reimbursement to CONTRACTOR by CITY Pursuant to the voucher system as hereinafter provided.

The above fees shall include post-operative care, medication and hospitalization required as a result of the surgery, but in no case for more than fourteen (14) days following the surgery.

In the event that an owner fails to pick up an animal at the designated time of pickup, CONTRACTOR may charge such owner board at the normal rates established by CONTRACTOR. CONTRACTOR shall be solely responsible for the collection of all fees and charges provided for herein, and CITY is in no way responsible for the payment of any such fee or charge.

(b) CONTRACTOR may, at its option, require the payment provided for in subparagraph (a) to be made by the animal owner in advance, and it may further require that such payment not be by credit card.

7. Voucher System. CITY will issue, through its Director of Finance, a spaying/neutering certificate to certain persons within the City of Modesto who desire spaying and neutering services for their dogs and cats.

On or before the tenth day of each calendar month, CONTRACTOR may present such certificates as have been received by CONTRACTOR to CITY at the Department of Finance, City Hall, 801 11th Street, Modesto, California. Upon the presentation of such certificates, CITY agrees to pay CONTRACTOR \$10.00 for each certificate presented, such payment to be made during the calendar month in which such certificate is presented. Provided, however, that such certificates must be presented within three months after having been received by CONTRACTOR.

8. Vaccinations. CONTRACTOR may recommend vaccinations for the protection of the pet as a condition of the surgery provided for in this agreement and may charge extra for them if the owner requests CONTRACTOR to administer them. CONTRACTOR shall, however, provide the requested surgery in the event the owner obtains the recommended vaccinations from another source.

Fees for such vaccinations administered by CONTRACTOR to animals presented for surgery hereunder shall not exceed CONTRACTOR'S fee for such vaccinations to CONTRACTOR'S regular clients during the year preceding the effective date of this Agreement.

CONTRACTOR shall collect the fees for such vaccinations directly from the owner and CITY is in no way responsible for the payment or the collection of any such fee. CONTRACTOR may require owners who refuse to authorize recommended vaccinations to sign a form accepting responsibility for the risk of such refusal.

9. Indemnification.

(a) CITY, its agents, officers, and employees, shall not be held liable for any claims, liabilities, penalties, fines or for damage to any goods, properties or effects of any person whatsoever, nor for personal injuries to or death of them, or any of them, caused by or resulting from any negligent acts or omission of CONTRACTOR, or its agents, employees, or representatives, not including liability by reason of acts or omission caused by CITY, its agents or employees; and CONTRACTOR, its agents, officers and employees, shall not be held liable for any claims, liabilities, penalties, fines or for damage to any goods, properties

or effects of any person whatsoever, nor for personal injuries to or death of them, or any of them, caused by or resulting from any negligent acts or omission of CITY, or its agents, employees, or representatives, not including liability by reason of acts or omission caused by CONTRACTOR, its agents or employees.

(b) CONTRACTOR further agrees to indemnify, and save free and harmless CITY and its authorized agents, officers and employees against any of the foregoing liabilities, and CITY agrees to indemnify and save free and harmless CONTRACTOR and its authorized representatives and employees against acts or omissions caused by CITY, its agents or employees and any cost and expenses incurred by the respective parties on account of any claim therefor.

10. Insurance. CONTRACTOR shall maintain in full force and effect during the term of this agreement Public Liability Insurance, inclusive of premises, operations, and contractual coverage, in amounts not less than \$100,000 per person and \$300,000 per occurrence, and \$25,000 for property damage; and Professional Liability Insurance in an amount not less than \$5,000. CONTRACTOR shall furnish to CITY'S City Clerk Certificates of Insurance, specifically evidencing the above stated coverages, which certificates shall provide to CITY not less than ten-days prior notice of cancellation or material change.

11. Inspection of Records. CONTRACTOR shall maintain records of all surgical procedures performed pursuant to this agreement for a period of three years following completion of services. Such records shall be made available to CITY for inspection at any reasonable time.

12. Term of Agreement.

(a) This Agreement shall be effective upon being signed by both parties hereto and shall continue in force and effect until termination by either party by providing at least ninety (90) days written notice to the other party. For purposes of this section, notice may be served upon CITY at the Department of Finance, City Hall, 801 11th Street, P. O. Box 642, Modesto, California, 95353, and upon CONTRACTOR at \_\_\_\_\_  
(name and address of clinic)

(b) Notwithstanding the provisions of subsection (a) above, CITY shall have the authority to terminate this Agreement immediately if it be determined by CITY that its participation in said Agreement is in violation of any law or contravenes the order of any court of competent jurisdiction or that the CITY'S authority to provide the services herein set forth has been preempted by the State of California.

(c) CITY and CONTRACTOR each hereby expressly waive any and all claims for damages or compensation arising under this Agreement in the event of any termination pursuant to subsections (a) and (b) above.

13. Modification. This Agreement may be modified at any time by the mutual written consent of the parties.

14. Default of CONTRACTOR. This Agreement may be terminated for default if the CONTRACTOR breaches this Agreement or if the CONTRACTOR refuses or fails to perform the services under this Agreement or any phase of the services. Termination of this Agreement because of default of the CONTRACTOR shall not relieve the CONTRACTOR from liability for such default.

15. Contract Administration.

(a) CITY designates the Director of Finance, City Hall, P. O. Box 642, 801 11th Street, Modesto, California, 95353, or his designated representative to represent CITY in all matters pertaining to this Agreement, and he shall administer this Agreement on behalf of CITY.

(b) CONTRACTOR designates \_\_\_\_\_ to represent CONTRACTOR in all matters pertaining to this Agreement.

(c) All letters, papers, reports, and all other documents shall be sent to the designated representatives at their respective addresses.

16. Independent Contractor. CONTRACTOR is for all purposes arising out of this Agreement an independent contractor and neither the CONTRACTOR nor CONTRACTOR'S employees or agents is for any purposes arising out of this Agreement an employee or agent of CITY.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed on the above date.

CITY OF MODESTO, a municipal corporation,

By \_\_\_\_\_  
GARTH LIPSKY, City Manager

\_\_\_\_\_

By \_\_\_\_\_  
Veterinarian

APPROVED AS TO FORM:

By \_\_\_\_\_  
ELWYN L. JOHNSON, City Attorney

ATTEST:

By \_\_\_\_\_  
NORRINE COYLE, City Clerk

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 876

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS  
PROPERTY.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, one hydra-dynamic sewer cleaner and three garden refuse trucks have recently become surplus property as a result of new equipment purchases and

WHEREAS, the City Council by Ordinance 1726-C.S. adopted effective June 6, 1978, amended Modesto Municipal Code Sections 11-1.04 and 11-1.05 authorizing the Director of Public Works to require subdivision developers to install water mains and service, and as a result Central Stores now has a surplus of ball angle valves and couplings which are needed by subdivision developers to install such water mains and services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Manager is hereby authorized and directed to sell to the highest bidder the following items of personal property of the City of Modesto. Said personal property is hereby found to be surplus.

<u>Equipment Number</u>	<u>Year</u>		<u>Unit</u>
#219	1961	-	2 ton Chevrolet flat bed dump/ chipper body
#243	1972	-	2 ton Dodge - Garden Refuse Truck

- #238                    1968     -   2 ton G. M. C. with mounted hydraulic cleaner
- #240                    1969     -   2 ton Dodge dump truck

SECTION 2. The City Manager is hereby authorized to sell the following items of personal property of the City of Modesto at the price shown to developers or their contractors for installing water mains and services in City of Modesto subdivisions as approved by the Director of Public Works. Said personal property is hereby declared to be surplus.

<u>Item</u>	<u>Sale Price</u>
1600 Ball Angle Valves	\$26.73 each
2800 Couplings	\$ 3.15 each

SECTION 3. The sales shall be conducted by the City Manager or by such person as he may select for this purpose. All items of property not sold as provided for above shall be disposed of in such manner as the City Manager deems to be in the best interest of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang,  
Mensingher, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-877

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
S.O.S.P. DIAL-A-RIDE SERVICE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that the agreement between the City of Modesto and S.O.S.P.  
Dial-a-Ride Service  
**for** establishing service features and stating obligations of the  
parties involved  
**be, and it is hereby approved.**

**BE IT FURTHER RESOLVED** that the execution of said agreement  
by the designated 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  
August, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Siefkin

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.78-878

A RESOLUTION APPROVING APPROPRIATION TRANSFER \$570 FROM RESERVE ACCOUNT TO DOWNTOWN MODESTO SIGN ACCOUNT TO PURCHASE 50 SIGNS

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

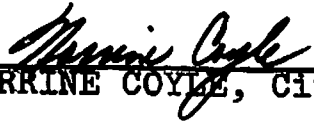
FROM:	D.I.D. Reserve Account (Acct. 60-300-213)	\$570
TO:	D.I.D. Downtown Modesto Signs (Acct. 5487-060 213)	\$570

To purchase a total of 50 signs to be displayed at the entrances and exits to downtown Modesto. 25 signs to say "Welcome to Downtown Modesto", and 25 signs to say "Thank you for Coming to Downtown Modesto"

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Siefkin

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-879

A RESOLUTION ACCEPTING THE BID OF DALE H. NAGEL LANDSCAPING FOR THE INSTALLATION OF IRRIGATION SYSTEM AND LANDSCAPING AT SYLVAN PARK

WHEREAS, Resolution No. 78-733 , adopted by the Council of the City of Modesto on July 17, 1978 , approved the plans and specifications for the installation of an irrigation system and landscaping at Sylvan Park

and authorized the calling for bids, and

WHEREAS, the bids received for the installation of an irrigation system and landscaping at Sylvan Park were opened at 11:10 a.m. on August 15, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the Director of Public Works has recommended that the bid of Dale H. Nagel Landscaping in the amount of \$57,225

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Dale H. Nagel Landscaping in the amount of \$57,225

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 August,

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-880**

**A RESOLUTION ACCEPTING THE BID OF OSTERBERG & STEWART FOR DRILLING, CASING, TESTING AND DEVELOPMENT OF WELL NO. 45 FOR THE CITY OF MODESTO**

**WHEREAS, Resolution No. 78-734 , adopted by the Council of the City of Modesto on July 17, 1978 , approved the plans and specifications for the drilling, testing and development of Well No. 45 for the City of Modesto and authorized the calling for bids, and**

**WHEREAS, the bids received for the drilling, testing, and development of Well No. 45 for the City of Modesto were opened at 11:05 a.m. on August 15, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Osterberg & Stewart in the amount of \$12,041**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Osterberg & Stewart in the amount of \$12,041**

**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 August,**

1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-881**

**A RESOLUTION ACCEPTING THE BID OF LEE WHITE PAVING COMPANY FOR  
FIRE STATION NO. 1 PARKING LOT PAVING**

**WHEREAS, Resolution No. 78-710 , adopted by the Council of the  
City of Modesto on July 10, 1978 , approved the plans and speci-  
fications for the paving of Fire Station No. 1 parking lot**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the paving of Fire Station No. 1  
parking lot  
were opened at 11:00 a.m. on August 15, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Lee White Paving Company in the amount of \$8,767**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Lee White Paving Company in the amount of \$8,767**

**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 August,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-882

A RESOLUTION ACCEPTING THE CONSTRUCTION OF FIRE STATION NO. 1 ANNEX

WHEREAS, a report has been filed by the Director of Public Works that the construction of the Fire Station No. 1 annex has been completed by L.E. McGraw Construction

in accordance with the contract agreement dated August 15, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of the Fire Station No. 1 annex be accepted from said contractor, L.E. McGraw Construction;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$179,682.05 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-883

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING CITY MANAGER TO SIGN A PURCHASE AGREEMENT WITH HEWLETT-PACKARD FOR THE PURCHASE OF A HEWLETT-PACKARD 9845 COMPUTERIZED DRAFTING SYSTEM

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of a Hewlett-Packard 9845 computerized drafting system is hereby waived.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign a purchase agreement with Hewlett-Packard for the purchase of a 9845 computerized drafting system for a total cost of \$22,192.67, including State and local taxes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-884

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (195) \_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
12-3-8 of the Zoning Map was filed by Vintage Faire Development Co.  
\_\_\_\_\_ on May 15, 1978, to  
reclassify from Professional Office Zone, P-O.  
\_\_\_\_\_ to Planned-Development Zone, P-D, the following described property:

Parcel "A" as shown on that certain parcel map filed for  
record on December 2, 1977, in Book 26 of Parcel Maps,  
Page 26, Stanislaus County Records, and being a portion  
of the Northwest quarter of Section 12, Township 3 South,  
Range 8 East, Mount Diablo Base and Meridian.

Including the Easterly 50 feet of Dale Road and the  
Northerly 30 feet of Veneman Avenue immediately adjacent to  
said Parcel "A".

Contains 3.502 acres net.

WHEREAS, after a public hearing on June 20, 1978, and continued to July 5, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The professional office portion of the project is already permitted by existing P-O Zoning.
2. The bank and savings and loan uses would be compatible with the surrounding area and would not cause an unwarranted increase in vehicular traffic.

WHEREAS, after a public hearing held on August 21, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Vintage Faire Development Co. for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1765- -C.S. on the 21st day of August, 1978, reclassifying the above-described property from Professional Office Zone, P-O,  to Planned-Development Zone, P-D (195).

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 (195), is hereby approved in accordance with the plan titled "Vintage Faire Professional Park, Modesto, California", as amended in red on its face, stamped approved by the Planning Commission on July 5, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plan.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system. Landscaping along the easterly property line shall be screen landscaping.
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to City sanitary sewer and water facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. Drainage facilities shall be constructed in accordance with requirements of the Director of Public Works.
6. That all trash shall be maintained in enclosed trash areas, in locations approved by the Director of Planning and Community Development. Said trash enclosures shall be six feet high of materials approved by the Director of Planning and Community Development and shall have solid wooden doors to be kept closed at all times.
7. That all outdoor lighting shall be shielded from adjacent residential areas in accordance with the requirements of the City Engineer.
8. That the Dale Road frontage shall be improved to major street standards and the Veneman Avenue frontage shall be improved to collector street standards by November 3, 1978, as required by Planning Commission Resolution 77-201 pursuant to approved improvement plans.
9. That all signs on the premises shall meet the requirements of the P-0 Zone except for signs identifying the bank and savings and loan which shall meet the sign requirements of the H-1 Zone.

10. That two onsite fire hydrants shall be installed by the developer prior to the beginning of building construction in locations approved by the Fire Chief.
11. That the developer shall provide a vehicular accessway for onsite traffic circulation for the benefit of the property to the north of the subject property substantially as shown in red on the subject plot plan in a manner approved by the City Attorney.
12. That public utility easements be dedicated as required by the utility companies serving the development and that, as necessary, existing public utility easements be relocated and abandoned to accommodate planned structures.
13. That prior to occupancy of the proposed structures, a masonry wall along the easterly boundary of the property adjacent to residential zoning shall be constructed to an 8-foot height.
14. That all curbcuts serving two-way driveways shall be widened to 35 feet in width.
15. That the developer shall dedicate to the City of Modesto a street tree planting easement along both the Dale Road and Veneman Avenue frontages in accordance with the requirements of the Director of Parks and Recreation.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (195):

That the construction project be accomplished in two phases as follows:

Phase I to include the office complex and savings and loan structure with construction to commence on or before October 1, 1980, and be completed not later than October 1, 1983.

Phase II to include the bank structure with construction to commence on or before October 1, 1981, and be completed not later than October 1, 1984.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 ( 195 ) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By John K. Oney  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO.78-885

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Vintage Faire Development Co.)

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WHEREAS, on August 21, , 1978, the City Council adopted Ordinance No. 1765 C. S. \_\_\_\_\_ giving approval to a project relating to an amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto, to reclassify certain property from Professional Office Zone, P-O, to Planned Development Zone, P-D (195)

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\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto, to reclassify certain property from Professional Office Zone, P-O, to Planned Development Zone, P-D (195).

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-886

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - 1619 Albany Ave., a portion of Bl. 6141  
(J.V. Ard - \$226.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on June 27, 1977,  
adopt its Resolution No. 77-677, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$226.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$226.00, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty in the City of Modesto, Cty. of Stanislaus, State of Calif., described as follows:

The N. 30 ft. of Lot 8 and the S. 30 ft. of Lot 7 of Bl. 6141 of Woodman Tract as per map filed Oct. 18, 1946 in Vol. 16 of Maps, Pg. 6, Stanislaus Ct. Records.

(Stan. Cty. Assessor's Parcel No. 002-01 118-0115-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-887

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - 417 El Vista Avenue, Lot 13 of Bl. 2258  
(Albert E. Armstrong - \$227.80)

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 August 8, 1977,  
adopt its Resolution No. 77-821, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$227.80.

SECTION 2. That the cost of the aforesaid work, being the amount of \$227.80, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real property in the City of Modesto, Cty. of Stanislaus, State of California, described as follows:  
Lot 13 of Bl. 2258 of Alta Vista Tract #2 as per map filed May 15, 1947 in Vol. 16 of Maps, Pg. 43, Stanislaus Cty. Records.  
(Stanislaus Cty. Assessor's Parcel No. 002-01 116-8906-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-888

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF CURB AND SIDEWALK  
ALONG CERTAIN STREETS IN THE CITY OF MODESTO IN  
ACCORDANCE WITH THE IMPROVEMENT DISTRICT ACT OF  
1911, ASSESSING THE COST OF CONSTRUCTION AGAINST  
THE PARCEL OF REAL PROPERTY FRONTING UPON THE  
IMPROVEMENT, AND DIRECTING THE METHOD OF COLLECTION  
OF SAID LIEN. Along Locke Rd. & Roselene Ave. at 1601 Locke Rd.,  
Lots 7 & 8 of Bl. 1026 (Ray Baudoin & Mary Samuelson - \$4,303.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on WAIVED BY PROPERTY OWNER  
-----, 19----,  
adopt its Resolution No. -----, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of \_\_\_\_\_  
Curb and sidewalk on property abutting  
the property hereafter described, and

WHEREAS, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$4,303.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$4,303.00, be assessed in 10 annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stanislaus, State of California, described as follows:  
Lot 7 and 8 of Bl. 1026 of Locke Tract as per map filed Jul.24, 1946, in Vol. 14 of Maps, Pg. 67, Stanislaus County Records.  
(Stanislaus Cty. Assessor's Parcel No. 002-01 032-1330-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-889

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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. At 151 Norwegian Avenue, Lot 15 of Bl. 6901  
(Frances M. Blevins - \$282.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on December 12, 1977,  
adopt its Resolution No. 77-1281, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 P.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$282.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$282.00, be assessed in 5 annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stanislaus, State of Calif., described as follows:

Lot 15 of Bl. 6901 of McHenry Village #1 as per map filed Aug. 25, 1954 in Vol. 5 of Maps, Pg. 18, Stanislaus Cty. Records.  
(Stanislaus Cty. Assessor's Parcel No. 002-08 120-3240-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 21st day of August, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-890

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 -along Tully Rd, at 1229 Woodman Way, Lots  
8 & 9 of Bl. 6118-A (Aaron H. Brock & Florence D. Daniel -  
\$473.15)

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 27, 1977,  
adopt its Resolution No. 77-677, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$473.15.

SECTION 2. That the cost of the aforesaid work, being the amount of \$473.15, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stanislaus, State of Calif., described as follows:  
Lots 8 and 9 of Bl. 6118-A of the Woodman Tract as per map filed Oct. 18, 1946 in Vol. 16 of Maps, Pg. 6, Stanislaus Cty. Records. (Stan. Cty. Assessor's Parcel No. 002-01 118-0101-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-891

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - at 1549 Pearl Street, Lot 2 of Bl. 6112  
(Tony Canizzaro - \$162.46)

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 July 18, 1977,  
adopt its Resolution No. 77-740, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$162.46.

SECTION 2. That the cost of the aforesaid work, being the amount of \$162.46, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real property in the City of Modesto, Cty. of Stanislaus, State of Calif., described as follows:

Lot 2 of Bl. 6112 of Wilen Tract as per map filed Apr. 27, 1945 in Vol. 14 of Maps, Pg. 32, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 117-1026-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-892

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - at 1530 Albany Avenue, Lot 18 of Bl. 6119  
(Eva Humphrey - \$154.00)

WHHREAS, 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 WAIVED BY PROPERTY OWNER

WHEREAS, the Council did, on -----, 19----,  
adopt its Resolution No. -----, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$154.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$154.00, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stanislaus, State of Calif., described as follows:

Lot 18 of Bl. 6119 of Francek Tract as per map filed Sept. 28, 1946 in Vol. 14 of Maps, Pg. 71, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 002-01 118-0747-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-893

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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. Along El Vista Ave. at 108 El Vista Ave., Lot 9  
of Block 2323 (Ronald D. Little - \$440.65)

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 August 8, 1977,  
adopt its Resolution No. 77-821, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$440.65.

SECTION 2. That the cost of the aforesaid work, being the amount of \$440.65, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stanislaus, State of Calif., described as follows:  
Lot 9 of Bl. 2323 of Alta Vista Tract #2 as per map filed May 15, 1947 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 33-3337-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-894

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - at 515 Franklin St., a portion of Bl. 4091  
(Lester W. McCart - \$792.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on WAIVED BY PROPERTY OWNER  
-----, 19----,  
adopt its Resolution No. -----, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$792.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$792.00, be assessed in 10 annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:  
All that real ppty in the City of Modesto, Cty. of Stan. State of Calif. described as follows:  
Commencing at the S/E corner of Lot 9 of Spencer Colony as per map filed Dec. 16, 1904 in Vol. 2, Pg. 3, Stan. Cty. Records; thence W. 30 ft; thence N. 209 ft.; to the true pt. of beginning; thence W. 140 ft.; thence N. 61 ft.; thence E. 140 ft.; thence S. 61 ft. to the true point of beginning. (Stan. Cty. Assessor's Parcel No. 002-01 30-1023-003)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-895

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - at 413 El Vista Ave., Lot 12 of Bl. 2258  
(Michael A. McGrath - \$227.80)

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 August 8, 1977,  
adopt its Resolution No. 77-821, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$227.80.

SECTION 2. That the cost of the aforesaid work, being the amount of \$227.80, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stan., State of California, described as follows:  
Lot 12 of Bl. 2258 of Alta Vista Tract #2 as per map filed May 15, 1947 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 116-8907-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-896

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - at 1613 Albany Ave., a portion of Bl. 6141  
(Paul L. Methvin - \$325.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on June 27, 1977,  
adopt its Resolution No. 77-677, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$325.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$325.00, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stan., State of California, described as follows:

Lot 9 and the S. 30 ft. of Lot 8 of Bl. 6141 of Woodman Tract as per map filed Oct. 18, 1946 in Vol. 16 of Maps, Pg. 6, Stan. Cty. Records. (Stan. Cty. Assessor's Parcel No. 002-01 118-0116-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-897

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF CURBS AND 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 - at 326 Granger, a portion of Bl. 6130  
(Rhoda H. Robertson - \$580.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on WAIVED BY PROPERTY OWNER  
-----, 19 ---,  
adopt its Resolution No. -----, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of -----  
Curbs and Sidewalks on property abutting  
the property hereafter described, and

WHEREAS, August 21, 19 78, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$580.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$580.00, be assessed in 10 annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stan., State of Calif., described as follows:

The S. 130 ft. of the N. 160 ft. of the W. 50 ft. of Lot No. 2 of the Mensinger Colony as per map filed May 18, 1909 in Vol. 4 of Maps, Pg 25, Stan. Cty. Records.

(Stan. Cty. Assessor's Parcel No. 002-01 119-0904-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-898

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF CURBS AND 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- along Grape Ave. at 1533 Grape Ave.,  
Lot 1 of Bl. 6107 (Sam Salsi - \$904.20)

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 27, 1977,  
adopt its Resolution No. 77-677, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of \_\_\_\_\_  
Curbs and Sidewalks on property abutting  
the property hereafter described, and

WHEREAS, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$904.20.

SECTION 2. That the cost of the aforesaid work, being the amount of \$904.20, be assessed in 10 annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stan., State of Calif., described as follows:  
Lot 1 of Bl. 6107 of Dunham Tract as per map filed Dec. 26, 1915 in Vol. 16 of Maps, Pg. 15, Stanislaus Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 29-0101-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 21st day of August, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-899

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - along Albany Ave. at 1713 Albany Ave.,  
Lot 1 of Bl. 6141 (Harold Walter Schultz - \$241.00)

WHHREAS, 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 27, 1977,  
adopt its Resolution No. 77-677, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$241.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$241.00, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stanislaus, State of Calif., described as follows:  
Lot 1 of Bl. 6141 of Woodman Tract as per map filed Oct. 18, 1946 in Vol. 16 of Maps, Pg. 6, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 118-0109-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.78-900

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - at 425 El Vista Ave., Lot 15 of Bl. 2258  
(Jerry D. Sigman - \$222.85)

WHHREAS, 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 August 8, 1977,  
adopt its Resolution No. 77-821, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$222.85.

SECTION 2. That the cost of the aforesaid work, being the amount of \$222.85, be assessed in 4 annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that real ppty. in the City of Modesto, Cty. of Stan., State of California, described as follows:  
Lot 15 of Bl. 2258 of Alta Vista Tract #2 as per map filed May 15, 1947 in Vol. 16 of Maps, Pg. 43, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 116-8904-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mahor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-901

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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- along Teresa St. and Del Vale Ave. at 1416  
Del Vale Ave., Lot 28 of Bl. 6079. (Karen Smith - \$669.00)

WHHREAS, 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 July 18, 19 77,  
adopt its Resolution No. 77-740, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 19 78, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$669.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$669.00, be assessed in 10 annual installments as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The North 30 ft. of Lot 7 and the S. 30 ft. of Lot 6 of Bl. 6141 of Woodman Tract as per map filed Oct. 18, 1946 in Vol. 16 of Maps, Pg. 6, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 118-0114-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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

(installment)

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 21st day of August, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO.78-902

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - at 1623 Albany Avenue, a portion of Bl. 6141  
(James Turner - \$224.00)

WHEREAS, Chapter 27 of Part 3 of Division 7 (Sections 5870 et seq.)  
of the Streets and Highways Code of the State of California establishes  
a procedure pursuant to which the construction of certain improvements  
may be required, and

WHEREAS, the Council did, on June 27, 19 77,  
adopt its Resolution No. 77-677, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 19 78, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$224.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$224.00, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

The N $\frac{1}{2}$  30 ft. of Lot 7 and the S. 30 ft. of Lot 6 of Bl. 6141 of Woodman Tract as per map filed Oct. 18, 1946 in Vol. 16 of Maps, Pg. 6, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 118-0114-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-903

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - at 1535 Teresa St., Lot 6 of Bl. 6080  
(Walter P. Wesson Sr. - \$156.52)

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 July 18, 1977,  
adopt its Resolution No. 77-740, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$156.52.

SECTION 2. That the cost of the aforesaid work, being the amount of \$156.52, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 6 of Bl. 6080 of Wilen Tract as per map filed April 27, 1945 in Vol. 14 of Maps, Pg. 32, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 117-0924-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-904

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION 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 - along Pearl St. at 1644 Pearl Street,  
Lots 1 & 2 of Bl. 6081 (Minnie Woo/Mark L. Dunker - \$528.76)

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 July 18, 1977,  
adopt its Resolution No. 77-740, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of 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, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$528.76.

SECTION 2. That the cost of the aforesaid work, being the amount of \$528.76, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 1 & 2 of Bl. 6081 of Wilen Tract as per map filed April 27, 1945 in Vol. 14 of Maps, Pg. 32, Stanislaus County Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 117-1212-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-905

A RESOLUTION CONFIRMING THE REPORT OF THE SUPER-  
INTENDENT OF STREETS CONCERNING THE WORK OF CON-  
STRUCTION OF CURBS AND 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 - at 127 Corson Ave., Lot 14 of Bl. 652  
(Rosalie & Simpson McLeod - \$706.00)

WHHREAS, 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 27, 1977,  
adopt its Resolution No. 77-677, ordering the installation of cer-  
tain improvements along certain streets in the City of Modesto as pro-  
vided therein, and directing the Superintendent of Streets to give notice  
requiring the construction of such improvements, and

WHEREAS, in compliance with the provisions of Chapter 27 of Part  
3 of Division 7 of the Streets and Highways Code the Superintendent of  
Streets proceeded to cause the completion of the construction of \_\_\_\_\_  
Curbs and Sidewalks on property abutting  
the property hereafter described, and

WHEREAS, August 21, 1978, at 4:00 p.m. o'clock  
P.M. in the Council Chambers, located in the City Hall, 801 Eleventh  
Street, Modesto, California, was set as the time and place for hearing  
and passing upon the report of the Superintendent of Streets with respect  
to the construction of said improvement, and

WHEREAS, at the time of said hearing, said Council received the report of the Superintendent of Streets, as submitted, and on file in the office of the City Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The report of the Superintendent of Streets as submitted and on file in the office of the City Clerk is hereby confirmed and the cost of such work is determined to be in the total amount of \$706.00.

SECTION 2. That the cost of the aforesaid work, being the amount of \$706.00, be assessed as a lien against the parcel (s) of property fronting upon the work so constructed.

All that real property in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 14 of Bl. 652 of Corson Tract as per map filed Oct. 16, 1941 in Vol. 14 of Maps, Pg. 19, Stan. Cty. Records.  
(Stan. Cty. Assessor's Parcel No. 002-01 112-0414-001)

SECTION 3. Said assessment shall bear interest on the unpaid balance at the rate of six (6%) 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 21st day of August, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-906

A RESOLUTION APPROVING RENEWAL OF GROUP MEDICAL INSURANCE CONTRACT WITH CALIFORNIA BLUE SHIELD ON A YEARLY BASIS COMMENCING SEPTEMBER 1, 1978, AND AUTHORIZING THE PAYMENT OF THE BIWEEKLY PREMIUM OF \$13.94 PER EMPLOYEE AND \$12.35 TOWARDS THE BIWEEKLY PREMIUM FOR EMPLOYEE'S DEPENDENT COVERAGE WHEN CARRIED BY EMPLOYEES.

WHEREAS, the City of Modesto has a group medical insurance contract with California Blue Shield, and

WHEREAS, California Blue Shield has offered to renew the city's group medical insurance contract on a yearly basis at increased rates of \$13.94 biweekly per employee and \$29.27 biweekly for dependent coverage, and

WHEREAS, the Council desires to authorize the City Manager to sign agreements with California Blue Shield in future years relating to rates for its insurance if such rates are within the budgetary limitations established by the Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that renewal of the City of Modesto's group medical insurance contract (Policy No. 17930) with California Blue Shield commencing September 1, 1978, on a yearly basis with premium rates commencing September 1, 1978, of \$13.94 biweekly per employee and councilmember, and \$29.27 biweekly for dependent coverage is hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto, that it hereby authorizes, commencing September 1, 1978, payment of \$13.94 as the biweekly premium rate per employee for coverage under the city's group medical insurance contract with California Blue Shield.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the biweekly premium rate for councilmembers for coverage under the city's

group medical insurance contract with California Blue Shield shall be paid for by each councilmember who elects to participate in said coverage. Said premium shall be deducted from a councilmember's compensation paid for attendance at Council meetings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes, commencing September 1, 1978, payment of \$12.35 towards the biweekly premium rate of \$29.27 for employee's dependent coverage, under the city's group medical insurance contract with California Blue Shield, when such dependent coverage is carried by an employee of the city for his dependents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the biweekly premium rate for councilmember's dependents coverage under the city's group medical insurance contract with California Blue Shield shall be paid for by each councilmember when such dependent coverage is carried by a councilmember. Said premiums shall be deducted from a councilmember's compensation paid for attendance at Council meetings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager is hereby authorized to sign agreements with California Blue Shield in future years relating to rates for its insurance, provided such rates are within the budgetary limitations established by the Council.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that Resolution No. 77-800 adopted on the 1st day of August, 1977, is hereby rescinded effective September 1, 1978.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by

Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-907

A RESOLUTION ESTABLISHING FEES FOR MAILING CITY COUNCIL, PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT AGENDAS AND MINUTES TO SUBSCRIBERS AND ESTABLISHING FEES FOR REPORTS AND OTHER DOCUMENTS PREPARED BY THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT.

BE IT RESOLVED by the Council of the City of Modesto that the following fees are hereby established for mailing City Council, Planning Commission and Board of Zoning Adjustment agendas and minutes to subscribers:

	<u>Per Year</u>	<u>Per Month</u>
1. City Council minutes	\$20.00	\$ 1.75
2. City Council agendas	20.00	1.75
3. Planning Commission minutes	20.00	1.75
4. Planning Commission agendas	30.00	2.50
5. Board of Zoning Adjustment minutes	12.00	1.00
6. Board of Zoning Adjustment agendas	12.00	1.00

BE IT FURTHER RESOLVED by the Council that the following fees are hereby established for reports and other documents prepared by the Department of Planning and Community Development:

1. Reports, etc., which are mailed	\$ 3.50 each
2. Reports, etc., which are obtained from the Finance Department	2.50 each

BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 75-280 adopted on February 18, 1975, is hereby rescinded as of September 1, 1978.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after September 1, 1978.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

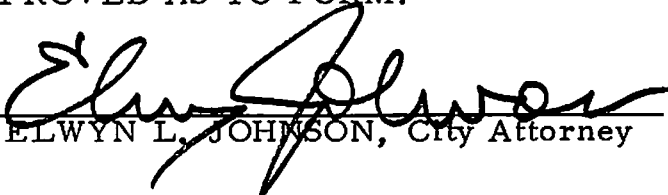
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO.78-908

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND BART MERVIN BARTONI AND GEORGIA L. BARTONI FOR THE DONATION OF RIGHT OF WAY NEEDED FOR THE ORANGEBURG/COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Bart M. Bartoni for the donation of right of way needed for the Orangeburg/Collier to Coffee project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

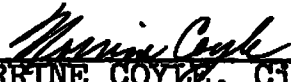
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st of August, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-909

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND LEONARD LEE YOUNG AND ELIZABETH HOPE YOUNG FOR THE DONATION OF RIGHT OF WAY NEEDED FOR THE ORANGEBURG/COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. Leonard L. Young for the donation of right of way needed for the Orangeburg/Collier to Coffee project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-910

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT H. PAPPAS AND MARIA PAPPAS FOR THE DONATION OF RIGHT OF WAY NEEDED FOR THE ORANGEBURG/COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. & Mrs. Robert H. Pappas for the donation of right of way needed for the Orangeburg/Collier to Coffee project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-911

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JACK M. CARLSON AND MARGUERITE B. CARLSON FOR THE PURCHASE OF THEIR REAL PROPERTY LOCATED AT 519 SUNSET AVENUE FOR USE AS AN ADDITION TO DEL WEBB SOCCER FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. Jack M. Carlson for the purchase of their real property located at 519 Sunset Avenue for use as an addition to Del Webb Soccer field is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk and hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO.78-912**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER RESOLUTION OF NECESSITY TO ACQUIRE Tocalino TRUST PROPERTY FOR A BUS PASSENGER SHELTER AND PARKING AT THE NORTHEAST CORNER OF 9TH AND I STREETS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that September 18, 1978 , at 4:00 P.M./in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of a Resolution of  
Necessity to acquire Tocalino Trust property for a bus passenger  
shelter and parking at the northeast corner of 9th and "I" Streets.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 21st day of  
August, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Siefkin

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-913

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTIONS 4-3-9 AND 9-3-9 OF THE ZONING MAP (Coralwood Mobilehome Community)

WHEREAS, the Modesto City Planning Commission held a public hearing on August 15, 1978. , in the Council Chambers, City Hall, for the purpose of considering an amendment to Sections 4-3-9 & 9-3-9 of the Zoning Map to rezone from R-1 to P-D for a 196-space mobilehome park nearing completion on property located east of McHenry Avenue, north of Coralwood Road the following described property:

See Schedule "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-154 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Sections <sup>4-3-9 and 9-3-9</sup> of the Zoning Map be set for September 11, 1978, at 7:30 p.m./in the Council <sup>Hearing No. 7</sup> Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest Quarter of Section 4, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City limits as established by the Northwest corner of the NORTH MCHENRY NO. 3 ADDITION, as per description filed July 29, 1977, as Instrument 7142, Stanislaus County Records;

1. Thence continuing along the existing City limits along a Northern line of said ADDITION, North  $89^{\circ} 59' 00''$  East, 1758.63 feet;
2. Thence continuing along the existing City limits along the Eastern line of said ADDITION, South  $01^{\circ} 42' 15''$  East, 271.56 feet;
3. Thence leaving the existing City limits and continuing along the Southern line of Section 4, North  $89^{\circ} 13' 00''$  West, 1763.07 feet;
4. Thence re-joining the existing City limits and continuing along a Western line of said ADDITION, North  $00^{\circ} 53' 00''$  West, 246.85 feet, to the point of beginning, containing 10.473 acres, more or less.

## Part 2

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest Quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City limits as established by the Northwest corner of the SYLVAN NO. 3 ADDITION, as per description filed November 3, 1976, as Instrument 23707, Stanislaus County Records;

1. Thence continuing along the existing City limits and the Western line of said ADDITION, South  $00^{\circ} 51' 20''$  East, 330.68 feet, to a Northeastern corner of the MCHENRY UNION ADDITION, as per description filed September 8, 1975, as Instrument 10359, Stanislaus County Records;
2. Thence continuing along the existing City limits and a Northern line of said ADDITION, North  $89^{\circ} 18' 20''$  West, 1762.83 feet;
3. Thence leaving the existing City limits, North  $00^{\circ} 53' 00''$  West, 40.00 feet;
4. Thence joining the existing City limits and continuing along a Western line of the NORTH MCHENRY NO. 3 ADDITION, as per description filed July 29, 1977, as Instrument 7142, Stanislaus County Records, North  $00^{\circ} 53' 00''$  West, 333.42 feet, to the Northern line of Section 9;
5. Thence leaving the existing City limits and continuing along the Northern line of Section 9, South  $89^{\circ} 13' 00''$  East, 1763.07 feet, to the point of beginning, containing 13.433 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-914  
INFORMAL

A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER  
ORCHARD NEIGHBORHOOD ZONING AND DEVELOPMENT PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that August 28, 1978 , at 7:30 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of the Orchard Neighbor-  
hood Zoning and Development Plan.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 21st day of  
August, 19 78, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-915

A RESOLUTION ESTABLISHING A MANDATORY DEFERRED COMPENSATION  
PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF MODESTO.

WHEREAS, employees of the City of Modesto are paid a salary as determined and changed from time to time by the City, and

WHEREAS, after meeting and conferring with the Modesto Employees Association the Council of the City of Modesto has determined that it would be advantageous to both the city and certain of its employees if said employees were governed by a mandatory deferred compensation plan as agreed upon in Paragraph 6d. of the Memorandum of Understanding with the Modesto Employees Association dated June 22, 1978, and

WHEREAS, the Council of the City of Modesto is desirous of establishing such a mandatory deferred compensation plan for the mutual benefit of the city and its employees covered thereby,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. There is hereby established a Mandatory Deferred Compensation Plan (hereinafter referred to as the "Plan") pursuant to which employees of the City of Modesto who hold salaried positions of employment, except sworn fire and police officers, shall have payment of a portion of their salary deferred. The employees covered by the Plan are hereinafter referred to as "employees".

SECTION 2. The Plan shall be operative effective July 4, 1978.

SECTION 3. Under said Plan, 2% of each employee's gross regular salary each pay period shall be deferred until said employee retires or otherwise terminates employment with the City of Modesto. In addition thereto, the City of Modesto shall pay into said mandatory deferred compensation plan, each pay period for each employee, an amount equal to 1% of each employee's gross regular salary. Provided, however, that no employee shall be eligible to receive the 1% paid into the Plan by the City of

Modesto until he or she has been an employee of the City of Modesto for at least one year.

SECTION 4. Gerald McKinsey, Bruce Simons, and James Dowd, are hereby appointed as the Mandatory Deferred Compensation Plan Committee (hereinafter called the "Committee"), to administer the Plan established hereby. Gerald McKinsey shall be the Chairman of the Committee, and any two of its members are hereby authorized to act on behalf of the Committee.

SECTION 5. The Committee is hereby authorized and empowered to make such determinations regarding payment and distribution of funds as may be necessary in order to carry out the provisions of the Plan.

SECTION 6. All funds and assets held in or credited to the Mandatory Deferred Compensation Plan for the benefit of an employee shall be paid and distributed as herein provided to the employee, or the employee's beneficiary, as the case may be.

A. Distribution upon retirement or disability of employee or other termination of employment. In the event an employee retires from the city or becomes permanently disabled from continuing full time employment with the city, the city will distribute to such employee the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the employee's life expectancy.

B. Distribution upon death of employee. In the event of the death of an employee, the city will distribute to the employee's beneficiary the funds and assets of the Plan which have been deferred for his or her benefit in a lump sum or in equal monthly, quarterly or annual installments over a period of years not to be in excess of the beneficiary's life expectancy. In the event of the death of the beneficiary while receiving installment payments, any remaining balance in the employee's Mandatory Deferred Compensation account shall be deemed to be the property of the beneficiary at the time of the beneficiary's death, and shall be distributed

to the persons legally entitled thereto.

C. Distribution prior to one year of employment. In the event that an employee becomes entitled to distribution of the amounts deferred prior to one year of employment with the City of Modesto, distribution of the 2% of gross regular salary deferred shall be made as provided in this section; however, no distribution to the employee or his beneficiary shall be made of the 1% of gross regular salary paid into the Plan by the City of Modesto. Such 1% of gross regular salary shall be returned to the appropriate fund of the City of Modesto.

SECTION 7. The City Manager is hereby authorized and directed from time to time to execute on behalf of the City of Modesto Custodial Agreements for the City of Modesto's Mandatory Deferred Compensation Plan with Great Western Savings.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-916  
CUSTODIAN

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
GREAT WESTERN SAVINGS AND LOAN ASSOCIATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
custodian  
that the/agreement between the City of Modesto and Great Western  
Savings and Loan Association  
for establishing a Mandatory Deferred Compensation Plan for regular  
City employees (except for safety members)  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
August, 19 78, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-917

A RESOLUTION APPROVING ISSUANCE OF A PURCHASE ORDER TO VICTOR BURTON FOR INSTALLATION OF CATCH BASIN AND STORM DRAIN LINE CONNECTION ON EAST ORANGEBURG AVENUE ADJACENT TO SONOMA SCHOOL PROPERTY

WHEREAS, storm drainage along the south side of East Orangeburg Avenue, west of Sonoma Avenue was intended to be connected to the Scenic-Sonoma Storm Drain System; and

WHEREAS, the catch basin and storm drain line will complete this connection.

WHEREAS, it is the recommendation of the Director of Public Works that a purchase order be approved to retain Victor Burton to install the catch basin and storm drain line connection on East Orangeburg Avenue adjacent to Sonoma School property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that issuance of a purchase order in the amount of \$4,200 to Victor Burton for installation of catch basin and storm drain line connection on East Orangeburg Avenue adjacent to Sonoma School property is hereby approved.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-918

A RESOLUTION APPROVING SUBSTITUTION OF SUBCONTRACTOR BY CHET CUMMINS  
CONSTRUCTION COMPANY, CONTRACTOR FOR REVARO PARK UTILITY BUILDING PROJECT

WHEREAS, the City of Modesto has contracted with Chet Cummins  
Construction Company for the Revard Park Utility Building; and

WHEREAS, Houston Painting Company was originally submitted as  
the subcontractor for the painting; and

WHEREAS, Houston Painting Company has failed to perform the  
work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that it hereby approves the substitution of Modern Painting  
and Decorating Company, 1100 Kansas Avenue, Suite P, Modesto, California,  
as painting subcontractor for the Revard Park Utility Building project,  
replacing Houston Painting Company.

The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 21st day of August,  
1978, by Councilmember Lang , who moved its adoption, which motion  
being duly seconded by Councilmember Siefkin , was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-919

A RESOLUTION APPROVING THE FINAL MAP OF THE  
GREENWICH VILLAGE NO. 1  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Wolverine Building Service, Inc., a corporation

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is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 8.437 acres, known as the  
Greenwich Village No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 19th day of  
July, 1977, 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 Greenwich Village No. 1  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-920

A RESOLUTION APPROVING THE FINAL MAP OF THE  
GREENWICH VILLAGE NO. 2  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Wolverine Building Service, Inc., a corporation

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is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 7.928 acres, known as the  
Greenwich Village No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 19th day of  
July, 1977, 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 Greenwich Village No. 2  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-921

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,242 FROM GENERAL FUND GENERAL RESERVE TO MANAGEMENT SERVICES, FOR POSTAGE USED IN MAILING BROCHURES TO MODESTO RESIDENTS CONCERNING SPAY-NEUTER PROGRAM

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Reserve (800-060-101)	\$2,242
TO:	Management Services Office Services Division (201-120-101)	\$2,242

Funds in the General Reserve account have been identified for uses pertaining to Animal Control. The above amount was used to mail brochures to the residents of Modesto concerning the Spay-Neuter Program and regulations dealing with pets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-922**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON AN APPEAL BY DESIGN UNLIMITED OF A PLANNING COMMISSION DECISION REGARDING A REQUEST BY GREGORY DEVELOPMENT COMPANY TO REZONE FROM R-3 TO P-D**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that September 18, 1978, at 4:00 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Design Unlimited of a Planning Commission decision to a request by Gregory Development Company to rezone from R-3 to P-D, property located on the southeast corner of Oakdale Road and Peppermint Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:**

*Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-923

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR HEATER REMIX SLURRY SEAL OF "I" STREET FROM FIRST TO EIGHTH

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for heater remix slurry seal of "I" Street from First to Eighth 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 19, 1978, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-924

A RESOLUTION ACCEPTING THE CONSTRUCTION OF REPAIRS AND IMPROVEMENTS  
TO THE 12TH AND I STREET PARKING LOT

WHEREAS, a report has been filed by the Director of Parking  
and Traffic that the construction of repairs and improvements  
to the 12th and I Street parking lot

has been completed by Elrich Construction Company

in accordance with the contract agreement dated April 10, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of repairs and  
improvements to the 12th and I Street parking lot

be accepted from said contractor, Elrich Construction Company;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$13,138  
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  
August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-925

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF TRAFFIC SIGNAL MODIFICATION  
AT THE CORNER OF COFFEE AND BRIGGSMORE**

WHEREAS, a report has been filed by the Director of Parking and Traffic that the construction of traffic signal modification at the corner of Coffee and Briggsmore has been completed by Collins Electrical Company in accordance with the contract agreement dated February 6, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of traffic signal modification at the corner of Coffee and Briggsmore 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 \$14,900 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 August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-926

A RESOLUTION DENYING THE APPEAL FILED BY ROBERT L. HART ON BEHALF OF GREGORY DEVELOPMENT COMPANY, INC., FOR AN AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(133), TO PLANNED DEVELOPMENT ZONE, P-D, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Gregory Development Company, Inc., on June 15, 1978, to reclassify from Planned Development Zone, P-D(133), to Planned Development Zone, P-D, property located on the north side of Standiford Avenue west of Tully Road, described as follows:

COMMENCING at the East quarter corner of Section 7, being also the intersection of the center lines of Tully Road and Standiford Avenue; thence North 89° 28' West along the East-West quarter section line of said Section 7, and said center line of Standiford Avenue, a distance of 515.65 feet to the point of beginning of this description; thence continuing North 89° 28' West, along said center line, a distance of 590.41 feet to the intersection of said center line with the Southerly prolongation of the Westerly line of Parcel 1-B as shown on Parcel Map recorded in Volume 15 of Parcel Maps, Page 83, Stanislaus County Records; thence North 1° 12' 20" West along said Southerly prolongation and the Westerly line of said Parcel 1-B, a distance of 463.56 feet; thence the following bearings and distances around said Parcel 1-B: North 88° 45' 45" East, 596.78 feet; South 0° 24' 59" East, 481.86 feet to the point of beginning.

and Containing 6.44 acres, gross, as measured to center of roadway,

WHEREAS, said application was set for public hearing before the Planning Commission at its regular meeting of July 18, 1978, at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 78-137, denied the requested amendment to Section 7-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(133), to Planned Development, Zone, P-D, the property described above located on the

north side of Standiford Avenue west of Tully Road, for the following reasons:

1. The original P-D(133) which established a C-1 zone use area and a P-0 zone use area was a logical solution to an area that was partially developed commercially in the County prior to annexation.
2. There is currently located at or near the Tully Road-Standiford intersection almost three times the commercial acreage recommended for this area by the Modesto Urban Area General Plan.
3. Far more professional office development has occurred in this area than is warranted, thus an expansion in the size of the buildings for additional professional office use is also not warranted.

and

WHEREAS, an appeal was filed with the City Clerk of the City of Modesto by Robert L. Hart on behalf of Gregory Development Company, Inc., by letter dated July 26, 1978, to the decision of the Planning Commission denying the application of Gregory Development Company, Inc., to reclassify from Planned Development Zone, P-D(133), to Planned Development Zone, P-D, the property hereinabove described, located on the north side of Standiford Avenue west of Tully Road, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 o'clock p.m. on Monday, August 28, 1978, and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Robert L. Hart on behalf of Gregory Development Company, Inc., to the decision of the Planning Commission denying rezoning from Planned Development Zone, P-D(133), to Planned Development Zone, P-D, the above described property located on the north side of Standiford Avenue west of Tully Road should be denied for the reasons set forth in Planning Commission Resolution No. 78-137, and quoted above, and that the decision of the Planning Commission denying the requested rezoning should be affirmed, and

WHEREAS, the City Council at said Council meeting 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 proposed rezoning.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Robert L. Hart on behalf of Gregory Development Company, Inc., to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 78-137 denying rezoning from Planned Development Zone, P-D(133), to Planned Development Zone, P-D, the above described property, located on the north side of Standiford Avenue west of Tully Road, be denied for the reasons set forth in Planning Commission Resolution No. 78-137, and quoted above, and the decision of the Planning Commission denying the requested rezoning is hereby affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William D. ...  
Director of Planning & Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-927

A RESOLUTION DENYING THE APPEAL FILED BY RUSSELL A. HARRISON ON BEHALF OF HORN CONSTRUCTION COMPANY FOR AN AMENDMENT TO SECTION 25-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO MEDIUM DENSITY RESIDENTIAL ZONE, R-2, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 25-3-9 of the Zoning Map was filed by Horn Construction Company on June 15, 1978, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on both sides of Clogston Way, north of Yosemite Boulevard, east of Lincoln Avenue, described as follows:

Lot 1, Block 2818; Lot 21, 22, 23, 24, 25, 26, and 27 Block 2817; Lot 1 Block 2820; the North 100 feet of Lot 1 Block 2815; and the North 100 feet of Lot 1 Block 2816, Scott Estates, recorded in Book 26 of Maps at Page 41, City of Modesto.

Including also all of Clogston Way, Eula Drive, Hubert Drive and Mariposa Way, all being immediately adjacent to the above described properties.

and

WHEREAS, said application was set for public hearing before the Planning Commission at its regular meeting of July 18, 1978, at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 78-138, denied the requested amendment to Section 25-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property for the

following reasons:

1. The subject lots extend too far into the interior of the Scott Estates Subdivision and conflict with the existing pattern of R-1 residential lots.
2. The applicant's property to the south of the described property, which is zoned R-3, will provide an adequate amount of multiple family housing for this area.

and

WHEREAS, an appeal was filed with the City Clerk of the City of Modesto by Russell A. Harrison on behalf of Horn Construction Company, by letter dated August 1, 1978, to the decision of the Planning Commission denying the application of Horn Construction Company to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the property hereinabove described, located on both sides of Clogston Way, north of Yosemite Boulevard, east of Lincoln Avenue, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 p.m. on Monday, August 28, 1978, and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Russell A. Harrison to the decision of the Planning Commission denying rezoning from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property located on both sides of Clogston Way, north of Yosemite Boulevard, east of Lincoln Avenue, should be denied for the reasons set forth in Planning Commission Resolution No. 78-138, and quoted above, and that the decision of the Planning Commission denying the requested rezoning should be affirmed, and

WHEREAS, the City Council at said Council meeting 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 proposed rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Russell A. Harrison on behalf of Horn Construction Company to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 78-138, denying rezoning from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, the above described property, located on both sides of Clogston Way, north of Yosemite Boulevard, east of Lincoln Avenue, be denied, for the reasons set forth in Planning Commission Resolution No. 78-138, and quoted above, and the decision of the Planning Commission denying the requested rezoning is hereby affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: Elliott

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Albert J. ...*  
Director of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-928

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN  
REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL  
PURPOSES INCLUDING THE ACQUISITION OF RIGHT-OF-WAY FOR THE  
CLAUS ROAD - YOSEMITE TO BRIGGSMORE PROJECT

(HORN CONSTRUCTION CO.)

(Name of Project and Property Owners Name)

WHEREAS, on August 7, 1978, the Council of the City  
of Modesto by Resolution No. 78-839 set a hearing to consider a resolution  
of necessity to acquire certain real property, hereinafter described, and

WHEREAS, on August 28, 1978, 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 the Claus Road - Yosemite to  
Briggsmore Street Widening Project

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 pursuant to Sections 37350.5 and 37351 of  
the Government Code of the State of California.

3. The taking of said real property for said project is also authorized  
pursuant to Section 37353 and 40404 of the Government Code of the State of  
California

4. 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.

5. The real property which is hereinafter described consists of

a portion of land in the northeast quadrant of Orangeburg Avenue and Claus Road  
consisting of approximately 1/3 acre, more or less

\_\_\_\_\_ and 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, as are 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 as follows:

All that portion of the South half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwestern corner of said Northwest quarter of the Northwest quarter of Section 19; thence along the South line of the Northwest quarter of the Northwest quarter of Section 19, South  $89^{\circ} 46' 30''$  East, 25.00 feet, to a point on the Eastern line of former 50.00 foot wide Claus Road and the true point of beginning of this description; thence continuing South  $89^{\circ} 46' 30''$  East, 15.00 feet, to a point on a line which is parallel with and 40.00 feet, measured at right angles, Easterly from the West line of said Section 19; thence along said parallel line, North  $00^{\circ} 16' 34''$  West, 100.22 feet; thence Northerly along a tangent curve concave to the East, having a Radius of 4950.00 feet; a Central Angle of  $2^{\circ} 33' 45''$  and an Arc Length of 221.38 feet, to a point of reverse curve from which point a radial line bears North  $87^{\circ} 42' 49''$  West; thence Northerly along said reverse curve concave to the West, having a Radius of 5050.00 feet, a Central Angle of  $2^{\circ} 33' 45''$  and an Arc Length of 225.84 feet, to its point of tangency on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from the West line of Section 19; thence along said last mentioned parallel line, North  $00^{\circ} 16' 34''$  West, 113.38 feet, to the Northern line of the South half of the Northwest quarter of the Northwest quarter of Section 19; thence along said Northern line, North  $89^{\circ} 06' 33''$  West, 25.00 feet, to the Eastern line of former 50.00 foot wide Claus Road; thence along said Eastern line of 50.00 foot wide Claus Road, South  $00^{\circ} 16' 34''$  East, 661.08 feet, to the point of beginning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ross Campbell*  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-929

A RESOLUTION DENYING THE APPEAL FILED BY DANIEL COSTA FOR AN AMENDMENT TO SECTION 8-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PROFESSIONAL OFFICE ZONE, P-0, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Ralph E. Carpenter on June 16, 1978, to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, property located on the south side of Standiford Avenue west of Sherwood Avenue, described as follows:

All that portion of Section 8, Township 3 South, Range 9 East, described as follows:

Parcel 1

All of Lots 2, 3, 4, and 5 in Block 13042 in Carpenter Manor as shown on the map filed in Volume 26 of Maps at Page 86 in the Stanislaus County Records.

Including also the southerly 45 feet of Standiford Avenue immediately adjacent to said lots 2, 3, 4, and 5.

Parcel 2

Beginning at the southwest corner of Lot 2 in Block 13042 in Carpenter Manor as shown on the map filed in Volume 26 of Maps at Page 86 in the Stanislaus County Records, also being the point of beginning. Thence northerly along the west line of said Lot 2 and its northerly extension 199.01 feet to the point of intersection with the center line of Standiford Avenue; thence westerly along the centerline of Standiford Avenue 296.10 feet; thence southerly along a line that is parallel with the West line of said Lot 2 a distance of 199.01 feet; thence easterly along a line that is parallel with the centerline of Standiford Avenue a distance of 296.10 feet to the point of beginning.

and

WHEREAS, said application was set for public hearing before the Planning Commission at its regular meeting of July 18, 1978, at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 78-136, denied the requested amendment

to Section 8-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, the property described above located on the south side of Standiford Avenue west of Sherwood Avenue for the following reasons:

1. The subject property does not possess the locational criteria for P-0 zoning as called for in the Modesto Urban Area General Plan or Section 10-2.3001 of the Zoning Regulations.
2. The property requested for P-0 zoning is properly suited for R-2, medium density residential development and not R-3 density residential development as would also be allowed under the request.

and

WHEREAS, an appeal was filed with the City Clerk of the City of Modesto by Daniel Costa, by letter dated August 2, 1978, to the decision of the Planning Commission denying the application of Ralph E. Carpenter to reclassify from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, the property hereinabove described, located on the south side of Standiford Avenue west of Sherwood Avenue, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 o'clock p.m. on Monday, August 28, 1978, and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Daniel Costa to the decision of the Planning Commission denying rezoning from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, the above described property located on the south side of Standiford Avenue west of Sherwood Avenue should be denied for the reasons set forth in Planning Commission Resolution No. 78-136, and quoted above, and that the decision of the Planning Commission denying the requested rezoning should be affirmed, and

WHEREAS, the City Council at said Council meeting 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 proposed rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Daniel Costa to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 78-136 denying rezoning from Low Density Residential Zone, R-1, to Professional Office Zone, P-0, the above described property, located on the south side of Standiford Avenue west of Sherwood Avenue, be denied for the reasons set forth in Planning Commission Resolution No. 78-136, and quoted above, and the decision of the Planning Commission denying the requested rezoning is hereby affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by

Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William M. ...*  
Director of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-930

A RESOLUTION COMMENDING THE STANISLAUS COUNTY 4-H CLUB PROGRAM  
FOR ITS ACHIEVEMENTS

WHEREAS, the Modesto City Council commends the Stanislaus County 4-H Club Program for its achievements, especially the program and its leadership for recognizing the need to expand into the urban areas; also noting that in the past the 4-H Club has been responsible for the betterment of those youth living on farms, we welcome the opportunity now being offered to the youth of the City of Modesto.

WHEREAS, the motto of 4-H Club Program is:

"I pledge my head to clearer thinking  
My heart to greater loyalty  
My hands to larger service  
My health to better living  
For my Club, my community and my world."

NOW, THEREFORE, BE IT RESOLVED that the Modesto City Council resolves that urban parents and youth, with the project programs now being offered by the 4-H Club Program, avail themselves of the opportunity, as have so many farm youth in the past, to become better, more alert and useful citizens.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-931**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON TRANSFER OF SANDERS GARBAGE SERVICE LICENSE TO AIRPORT GARBAGE SERVICE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that September 11, 1978 , at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a transfer of Sanders Garbage Service license to Airport Garbage Service, because of a change in ownership of the firm.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:** *Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-932

A RESOLUTION ACCEPTING IMPROVEMENTS IN COLLEGE WEST NO. 2 SUBDIVISION  
AND AUTHORIZING RELEASE OF INSTRUMENTS OF CREDIT

WHEREAS, Ward H. Cramer  
subdivider of College West No. 2 Subdivision, have filed Instruments of  
Credit for faithful performance and labor and materials in the  
amount of \$178,700 and \$89,350 respectively to guarantee improvements  
in College West No. 2 Subd. ; and

WHEREAS, the Director of Public Works in a memorandum dated  
August 22, 1978, 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 Instruments of / <sup>Credit</sup> upon expiration of  
the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto:

1. The improvements in College West No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Instrument of Credit for faithful performance in the amount of \$178,700 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Instrument of Credit for labor and materials in the amount of \$89,350 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 28th day of August, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-933

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS  
PROPERTY.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, one thirty inch gate valve has become surplus property to the needs of the City's Public Works Department Water Quality Control Division, and

WHEREAS, the City of Turlock Water Quality Control Plant has indicated a need for the thirty inch gate valve to increase the flexibility of its plant process and has offered to purchase said surplus gate valve from the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his authorized representative, is hereby authorized to sell to the City of Turlock one thirty inch gate valve which is hereby found to be surplus property.

BE IT FURTHER RESOLVED that the City Manager, or his authorized representative, is hereby authorized to sell said thirty inch gate valve to the City of Turlock for the minimum used value of \$500.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 29th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kulljian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-934

A RESOLUTION REQUESTING MODESTO IRRIGATION DISTRICT TO APPROVE A PORTION OF THE ORCHARD DRAINAGE AREA PLAN

WHEREAS, the City of Modesto has presented to Modesto Irrigation District a proposal for establishment of the Orchard Drainage Area; and

WHEREAS, the proposed drainage area includes a detention basin located adjacent to MID Lateral No. 3; and

WHEREAS, MID has suggested a use for the detention basin as a facility for recharging the underground water table; and

WHEREAS, the City of Modesto has revised its proposal in accordance with technical information furnished by MID engineers to properly accommodate an aquifer recharge facility; and

WHEREAS, detailed studies have been made on the quality of storm drain water and conclusions reached that such drain water entering irrigation canals is not damaging to agriculture; and

WHEREAS, numerous other cities in the San Joaquin Valley discharge storm drain water into irrigation canals; and

WHEREAS, the proposed storm drain area with the detention basin is the most economical means of disposing of storm drain water in the Orchard Neighborhood.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby request that the Modesto Irrigation District approve that portion of the Orchard Drainage Area plan which would permit storm drain water from the Orchard Neighborhood to be discharged into MID Lateral No. 3 on the condition that the drainage detention facilities within the Orchard Drainage Area will be used, to the extent possible, as a groundwater recharge facility.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-935

A RESOLUTION AUTHORIZING DONATION OF THE EXISTING MEDIUM APPROACH LIGHT SYSTEM AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD TO THE DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION

WHEREAS, the Department of Transportation, Federal Aviation Administration has an approved project to provide frangible towers for the Modesto Airport medium approach light system; and

WHEREAS, the present medium approach light system at the Modesto Airport, which is owned by the City of Modesto, consists of seven rigid poles with horizontal light bars mounted on top; and

WHEREAS, the approved Federal Aviation Administration project requires replacement of all rigid light standards and lights on the standards; and

WHEREAS, the Federal Aviation Administration has requested they be given authority to remove and replace the rigid standards and other equipment as necessary and that the remaining materials and equipment be donated to the Federal Aviation Administration; and

WHEREAS, in doing so the City of Modesto will be giving up its ownership and maintenance and operational costs to the existing medium approach light system, and the Federal Aviation Administration will assume maintenance of the system after restoration; and

WHEREAS, it is the staff's recommendation that the City Council authorize the donation of the existing medium approach light system at the Modesto City-County Airport/Harry Sham Field to the Federal Aviation Administration for the removal and replacement project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the existing medium approach light system at the Modesto City-County Airport/Harry Sham Field is hereby donated to the Federal Aviation Administration.

BE IT FURTHER RESOLVED that the Federal Aviation Administration is hereby authorized to remove and replace the rigid light standards and other equipment as necessary.

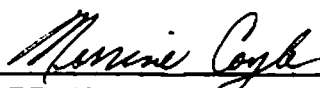
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978 by Councilmember Dunlap, who moved its adoption, which motion being seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-936

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HAROLD LOGSDON, THORNTON SNIDER, AND BERNELL SNIDER FOR THE CONSTRUCTION OF A 4-UNIT CORPORATE T-HANGAR AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Harold Logsdon, Thornton Snider, and Bernell Snider for construction of a 4-unit corporate T-Hangar at the Modesto City-County Airport/Harry Sham 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 28th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-937

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 11-3-8 OF THE ZONING MAP (Channel Investments, Inc.)

WHEREAS, the Modesto City Planning Commission held a public hearing on August 15, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 11-3-8 of the Zoning Map, to rezone a portion of P-D(166) to P-D(200), property located on the east side of Sisk, north of Standiford Avenue

the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-156 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 11-3-8 of the Zoning Map be set for September 18, 1978, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

All that certain piece or parcel of land situate in and being a portion of Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, being more particularly described as follows:

Commencing at the most southerly corner of Parcel 2 according to the Official Map thereof recorded in Volume 19 of Parcel Maps at page 56, official records of Stanislaus County, California; thence North  $48^{\circ}19'39''$  West along the southwest line of said Parcel 2, a distance of 150.09 feet; thence continue along said southwesterly line and along the arc of a curve concave to the northeast, a distance of 383.40 feet, said curve having a central angle of  $5^{\circ}32'00''$  and a radius of 3970.00 feet; thence continue along said southwesterly line North  $42^{\circ}47'39''$  West, a distance of 102.09 feet; thence North  $47^{\circ}12'21''$  East, a distance of 12.00 feet to the northeasterly line of a road known as Sisk Road and the true point of beginning of this description; thence along the arc of a curve concave to the north, a distance of 25.01 feet, said curve having a central angle of  $95^{\circ}32'00''$  and a radius of 15.00 feet; thence North  $41^{\circ}40'21''$  East, a distance of 281.11 feet; thence along the arc of a curve concave to the northwest, a distance of 32.18 feet, said curve having a central angle of  $36^{\circ}52'12''$  and a radius of 50.00 feet; thence along the arc of a curve concave to the East, a distance of 3.75 feet, said curve having a central angle of  $4^{\circ}17'52''$  and a radius of 50.00 feet; thence North  $42^{\circ}47'39''$  West, a distance of 801.73 feet; thence South  $44^{\circ}58'08''$  West, a distance of 128.10 feet; thence South  $47^{\circ}12'21''$  West, a distance of 185.00 feet; thence along the arc of a curve concave to the East, a distance of 23.56 feet, said curve having a central angle of  $99^{\circ}00'00''$  and a radius of 15.00 feet; thence South  $42^{\circ}47'39''$  East along the Northeasterly line of said Sisk Road a distance of 809.17 feet to the point of beginning.

Containing 6.21 acres more or less.

SCHEDULE "A"

AUGUST 28 AGENDA  
ITEM 27  
Channel Invest.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-938

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16-3-9 OF THE ZONING MAP (Vance Davis)

WHEREAS, the Modesto City Planning Commission held a public hearing on August 15, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 16-3-9 of the Zoning Map to rezone from R-1 to P-D, property located on the south side of Floyd Avenue, east of MacDougal Street

the following described property:

The Northerly 225.4 feet of Lot 16 of the COFFEE COLONY, as per map filed Jan. 13, 1906, in Vol. 2 of Maps, Pg. 22, Stanislaus County Records. Excepting therefrom, the Northerly 135 feet of the Easterly 96 feet of the above described property.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-152 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 16-3-9 of the Zoning Map be set for October 9, 1978, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-939

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19-3-9 OF THE ZONING MAP (Tim Lowe)

WHEREAS, the Modesto City Planning Commission held a public hearing on August 15, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 19-3-9 of the Zoning Map, to rezone from P-D(1) to a new P-D, property located at the southeast corner of Carver and W. Roseburg Avenue

the following described property:

Beginning at a point on the E. line of Carver Rd. and the center line of Roseburg Ave.; thence S.  $0^{\circ} 01' 30''$  W. along the E. line of said Carver Rd., 848.46 ft. to the S/W corner of ppty. conveyed to P.L. Milani, et ux, by Deed dated Apr. 15, 1942; thence along a S. and W. boundary of said Milani ppty. the following three courses and distances: S.  $88^{\circ} 59' 50''$  E. 166.83 ft.; S.  $0^{\circ} 01' 30''$  W. 149.02 ft.; S.  $89^{\circ} 04' 50''$  E. 224.02 ft.; thence  $0^{\circ} 01' 50''$  E. 995.70 ft. to the center line of said Roseburg Ave.; thence N.  $88^{\circ} 47'$  W. along the center line of said Roseburg Ave. 390.98 ft. to the point of beginning.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-151 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 19-3-9 of the Zoning Map be set for October 9, 1978, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-940**

**A RESOLUTION SETTING TIME AND PLACE FOR AN APPEAL TO A DECISION OF THE BOARD OF ZONING ADJUSTMENT CONCERNING A SIGN FOR THE RULE-DALE LINCOLN MERCURY AGENCY (Sign Designs, Inc.)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that October 16, 1978, at 4:00 P.M./in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of an appeal to a  
decision of the Board of Zoning Adjustment concerning a sign for the  
Rule-Dale Lincoln Mercury Agency, by Douglas L. Smith, Sign Designs,  
Inc.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 5th day of  
September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-941**

**A RESOLUTION SETTING TIME AND PLACE FOR AN APPEAL OF A PLANNING COMMISSION DECISION CONCERNING THE SUBDIVISION PLAN AND TENTATIVE MAP FOR THE LAMATIS INDUSTRIAL CENTER (Western Pacific Railroad Company)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that October 9, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal of a Planning Commission decision concerning the subdivision plan and tentative map for the Lamatis Industrial Center, by Thomas R. Gillett, Western Pacific Railroad Company.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** Norrine Coyne  
**NORRINE COYNE, City Clerk**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-942**

**A RESOLUTION SETTING TIME AND PLACE FOR AN APPEAL OF A PLANNING COMMISSION DECISION CONCERNING REZONING THE NORTHEAST CORNER OF RUMBLE AND SISK (Sutherland Home Improvement Center)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that October 23, 1978 , at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal of a Planning Commission decision concerning rezoning the northeast corner of Rumble and Sisk for Paul Rumble, Sutherland Home Improvement Center (submitted by Dennis Wilson, Mid-Valley Engineering, Inc.).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 19 78, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-943**

**A RESOLUTION SETTING TIME AND PLACE FOR AN APPEAL OF A BOARD OF BUILDING APPEALS DECISION CONCERNING THE INSTALLATION OF SMOKE DETECTORS IN HIS BUILDING (Ernest V. Darpinian)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that September 25, 1978 , at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal of a Board of Building Appeals decision concerning the installation of smoke detectors in his building at 1111 "J" Street. (Ernest V. Darpinian).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 19 78, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** Norrine Coyne  
NORRINE COYNE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-944**


**A RESOLUTION SETTING TIME AND PLACE FOR AN APPEAL TO A DECISION  
OF THE BOARD OF BUILDING APPEALS CONCERNING SMOKE OR HEAT DETECTORS  
(John Ward)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that September 25, 1978 , at 7:30 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of an appeal to a  
decision of the Board of Building Appeals concerning smoke or heat  
detectors (John Ward).

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 5th day of  
September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Mayor Davies

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-945

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF CANAL CROSSINGS AT M.I.D. LATERAL NO. 7 AT PRESCOTT ROAD AND AT CHEYENNE WAY**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of canal crossings at M.I.D. Lateral No. 7 at Prescott Rd. and at Cheyenne Wy 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 19, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

ATTEST:

*Norrine Coyne*  
NORRINE COYNE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-946**

**A RESOLUTION ACCEPTING THE BID OF JOE MARTIN FOR CONSTRUCTION OF WATERLINE EXTENSION ON SCENIC DRIVE BETWEEN EASTRIDGE DRIVE AND FONTANA COURT AND ON RIVERSIDE DRIVE AND YOSEMITE BOULEVARD**

**WHEREAS, Resolution No. 78-847 , adopted by the Council of the City of Modesto on August 14, 1978 , approved the plans and specifications for the construction of waterline extension on Scenic Drive between Eastridge Dr. and Fontana Ct. and on Riverside Dr. and Yosemite Boulevard and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterline extension on Scenic Dr. between Eastridge Dr. and Fontana Ct. and on Riverside Dr. and Yosemite Blvd. were opened at 11:05 a.m. on August 29, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Joe Martin in the amount of \$35,366.50**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin in the amount of \$35,366.50**

**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 5th day of September,**

19 78, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-947

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SYLVAN PARK STAGE I  
AS COMPLETE

WHEREAS, a report has been filed by the Director of Public  
Works that the construction of Sylvan Park Stage I

has been completed by George Reed, Inc.

in accordance with the contract agreement dated November 14, 1977.

NOW, THEREFORE, BE IT RESOLVED that the construction of  
Sylvan Park Stage I

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 \$61,650  
as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 5th day of  
September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

CLERK'S CERTIFICATE

I, Morrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on September 5, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Elliott, seconded by Councilmember Siefkin, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: September 6, 1978

Morrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-948

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. ( SCENIC-LAKEWOOD NO. 2)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on July 17, 1978, duly adopted Resolution No. 78-742 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 178 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Tuesday, September 5, 1978, at the hour of 4:00 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 178 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 178 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 178, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 178, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Elliott,

who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Karl Campbell*  
Public Works Department

SCENIC-LAKEWOOD NO. 2

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Southeastern corner of SCENIC-LAKEWOOD ADDITION (332), as per description filed May 30, 1975, as Instrument 46313, Stanislaus County Records;

1. thence along the existing City Limits along an Eastern line of said ADDITION (332), North  $00^{\circ} 44' 20''$  West, 576.59 feet;
2. thence continuing along the existing City Limits, North  $41^{\circ} 21' 40''$  East, 118.16 feet;
3. thence continuing along the existing City Limits, North  $68^{\circ} 39' 05''$  East, 402.10 feet;
4. thence leaving the existing City Limits, South  $00^{\circ} 44' 20''$  East, 385.57 feet;
5. thence North  $88^{\circ} 32' 40''$  East, 325.32 feet, to the East line of Section 23 and the center line of Lakewood Avenue;
6. thence along said Section line and center line, South  $00^{\circ} 44' 20''$  East, 324.25 feet, to the center line of 50.00 foot Scenic Drive;
7. thence along said center line, South  $78^{\circ} 01' 55''$  West, 601.90 feet;
8. thence South  $50^{\circ} 37' 08''$  West, 250.68 feet;
9. thence North  $50^{\circ} 05' 47''$  West, 25.51 feet;
10. thence North  $50^{\circ} 37' 08''$  East, 31.52 feet;
11. thence North  $00^{\circ} 44' 20''$  West, 137.39 feet, to the point of beginning, containing 10.490 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-949

A RESOLUTION DENYING THE APPEAL OF GARY WEST ON BEHALF OF THE ETHAN ALLEN GALLERY STORE TO A DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING A REQUEST FOR A CORPORATE FLAG AND A MOVABLE STATUE ON THE PREMISES OF SAID ETHAN ALLEN GALLERY STORE LOCATED ON THE EAST SIDE OF SISK ROAD, SOUTH OF RUMBLE, AND AFFIRMING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT.

WHEREAS, the owners of the Ethan Allen Gallery store located on the east side of Sisk Road, south of Rumble Road have been displaying a corporate flag and a movable statue outside of the building, and

WHEREAS, the Chief Building Official has advised the owners of said business that said flag and statue are classified as temporary signs which are not permitted and, therefore, must be removed, and

WHEREAS, Gary West, on behalf of the Ethan Allen Gallery store, by letter dated June 27, 1978, appealed to the Board of Zoning Adjustment the decision of the Chief Building Official that said corporate flag and movable statue are temporary signs and must be removed, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on July 27, 1978, 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, the Board of Zoning Adjustment found and determined that the corporate flag and movable statue displayed by the owners of said Ethan Allen Gallery store are temporary signs as defined by Section 10-2.3502(z) of the Modesto Municipal Code and, therefore, must be removed, and

WHEREAS, the Board of Zoning Adjustment by Resolution No. 815 denied the appeal from the decision of the Chief Building Official, and

WHEREAS, Gary West, on behalf of said Ethan Allen Gallery store, by letter dated August 3, 1978, filed an appeal with the City Clerk of the City of Modesto on August 7, 1978, to the decision of the Board of Zoning Adjustment denying said appeal concerning the placement of a statue and flag in front of the Ethan Allen Gallery store located on the east side of Sisk Road, south of Rumble, and

WHEREAS, said matter was set for public hearing before the Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 4:00 o'clock p.m. on September 5, 1978, at which time evidence both oral and documentary was taken and introduced,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal to the decision of the Board of Zoning Adjustment concerning the placement of a statue and flag in front of the Ethan Allen Gallery store located on the east side of Sisk Road, south of Rumble is hereby denied for the reason that the corporate flag and movable statue displayed by the owners of said Ethan Allen Gallery store are temporary signs as defined by Section 10-2.3502(z) of the Modesto Municipal Code.

BE IT FURTHER RESOLVED that the decision of the Board of Zoning Adjustment denying the appeal referred to above concerning the placement of a statue and flag in front of the Ethan Allen Gallery store located on the east side of Sisk Road, south of Rumble is hereby affirmed.

BE IT FURTHER RESOLVED that the denial of said appeal by this Council is without prejudice to the right of the owners of said Ethan Allen Gallery store to again appeal the decision of the Chief Building Official that said corporate flag and movable statue are temporary signs and must be removed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978 by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember

Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-950

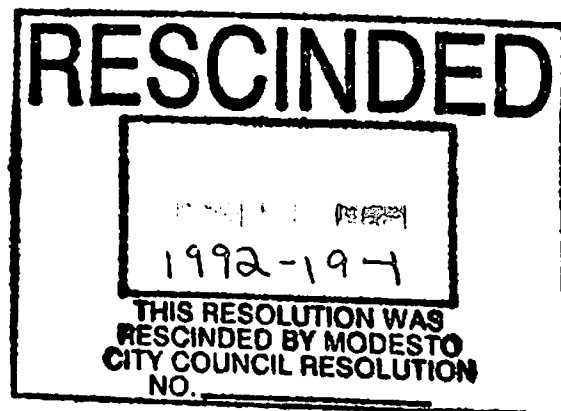
A RESOLUTION AMENDING RESOLUTION NO. 77-480 ENTITLED  
"A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
APPROVING THE CONFLICT OF INTEREST CODE OF THE  
OFFICE OF THE CITY MANAGER OF THE CITY OF MODESTO".

WHEREAS, by Resolution No. 77-480, adopted on May 9, 1977 the City  
Council, pursuant to Government Code Section 87303, approved the Conflict of Interest  
Code of the Office of the City Manager of the City of Modesto, and

WHEREAS, since approval of said Code there have been changed  
circumstances necessitating amendment of the Code in that the position of  
Personnel Manager should be added thereto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that Resolution No. 77-480 entitled "A Resolution Of The Council Of The  
City Of Modesto Approving The Conflict of Interest Code Of The Office Of The  
City Manager Of The City Of Modesto" is hereby amended to add the position of  
Personnel Manager with Disclosure Category 2 thereto. A copy of  
Exhibit "A", as amended, is 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 5th day of September, 1978, by  
Councilmember Kullijian, who moved its adoption, which motion being duly  
seconded by Councilmember Elliott, was upon roll call carried and the



resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

EXHIBIT "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
City Manager	1
Director of Management Services	2
Management Assistant	2
Personnel Manager	2

CITY COUNCIL RESOLUTION

NO. 78-951

NOT USED

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-952

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS  
AND UNCLAIMED PERSONAL PROPERTY.

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Manager is hereby authorized and directed to sell those certain items of personal property of the City of Modesto as shown on that certain document entitled "Surplus Property Listing Sheet" dated September 5, 1978, on file in the office of the City Clerk. Said personal property has been found to be surplus and of no use to the City.

SECTION 2. The City Manager is hereby authorized and directed to sell those certain items of personal property now in the possession of the Police Department, which have been unclaimed for a period of at least six (6) months, or which are confiscated items and have been in possession of the Police Department for a period of at least six (6) months, as shown on that certain document entitled "List of Unclaimed or Confiscated Property Held by the Police Department" dated September 5, 1978, which document is on file in the office of the City Clerk.

SECTION 3. The foregoing sales shall be made at public auction in the City of Modesto. The City Manager is hereby authorized to fix the time and place for said sales. At least five (5) days before the time fixed for each 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 a list of the items of property to be offered for sale can be inspected in the office of the City Clerk.

The sales shall be conducted by the City Manager or by such person as he may select for this purpose. All items of property not sold at said auction sales shall be disposed of in such manner as the City Manager deems to be in the best interest of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-953

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
RIVERBANK FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Riverbank  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Oakdale-Floyd No. 2 Addition  
by Resolution No. 78-582 adopted on June 5, 19 78, and said  
annexation officially became a part of the City of Modesto on August 3, 19 78,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
Riverbank Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ron Campbell  
Public Works Department

March 13, 1978

OAKDALE-FLOYD NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Beginning at a point on the existing City Limits as established by the Eastern line of FLOYD ADDITION (259), as per description filed August 17, 1970, as Instrument 26194, Stanislaus County Records;

1. thence along the existing City Limits and the Eastern line of said ADDITION (259), North  $00^{\circ} 01' 18''$  East, 660.56 feet, to the Southern line of OAKDALE-FLOYD ADDITION (265), as per description filed January 5, 1971, as Instrument 192, Stanislaus County Records, and the center line of 40.00 foot Floyd Avenue;
2. thence continuing along the existing City Limits and said center line South  $89^{\circ} 23' 34''$  East, 1640.56 feet, to the center line of 100.00 foot Oakdale Road;
3. thence leaving the existing City Limits along Oakdale Road, South  $00^{\circ} 01' 26''$  West, 660.96 feet;
4. thence North  $89^{\circ} 22' 44''$  West, 1640.54 feet, to the point of beginning, containing 24.544 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-954

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (OAKDALE-FLOYD NO. 2 ADDITION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No. 78-582 on June 5, 1978, certain territory known as Oakdale-Floyd No. 2 Addition, and

WHEREAS, the inclusion of the area contained in Oakdale-Floyd No. 2 Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Oakdale-Floyd No. 2 Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 182.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, October 23, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 182.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The Northwest corner of the Addition at the south line of Floyd Avenue.
- (2) The Northeast corner of the Addition at the Southwest corner of Floyd Avenue and Oakdale Road.
- (3) The Southeast corner of the Addition at the West line of Oakdale Road.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 182, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 19 78, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger;  
Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Bob Campbell  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on September 5, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Kullijian, seconded by Councilmember Lang, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Acting Mayor Dunlap

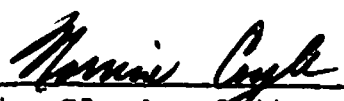
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: September 6, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

March 13, 1978

OAKDALE-FLOYD NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Beginning at a point on the existing City Limits as established by the Eastern line of FLOYD ADDITION (259), as per description filed August 17, 1970, as Instrument 26194, Stanislaus County Records;

1. thence along the existing City Limits and the Eastern line of said ADDITION (259), North  $00^{\circ} 01' 18''$  East, 660.56 feet, to the Southern line of OAKDALE-FLOYD ADDITION (265), as per description filed January 5, 1971, as Instrument 192, Stanislaus County Records, and the center line of 40.00 foot Floyd Avenue;
2. thence continuing along the existing City Limits and said center line South  $89^{\circ} 23' 34''$  East, 1640.56 feet, to the center line of 100.00 foot Oakdale Road;
3. thence leaving the existing City Limits along Oakdale Road, South  $00^{\circ} 01' 26''$  West, 660.96 feet;
4. thence North  $89^{\circ} 22' 44''$  West, 1640.54 feet, to the point of beginning, containing 24.88± Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-955

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
WOODLAND FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Kansas Avenue Addition  
by Ordinance No. 1754 adopted on July 10, 1978, and said  
annexation officially became a part of the City of Modesto on July 24, 1978,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
Woodland Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 19 78, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ros Campbell*  
Public Works Department

November 30, 1977

KANSAS AVENUE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the NORTHWEST ADDITION (44) as per description filed December 10, 1951, as Instrument No. 28460, Stanislaus County Records;

1. thence along the Southwestern boundary of said Addition (44), South  $0^{\circ} 35' 05''$  East, 729.16 feet, to the Southern line of 40.00 foot Kansas Avenue, and the quarter corner of Sections 30/29;
2. thence continuing along the existing City Limits and section line along Franklin Street, South  $0^{\circ} 35' 05''$  East, 1206.90 feet, to the Southern right-of-way line of future State Highway 132;
3. thence leaving the existing City Limits, and continuing along said Southern right-of-way line, North  $52^{\circ} 22' 45''$  West, 396.48 feet;
4. thence North  $89^{\circ} 47' 00''$  West, 12.17 feet;
5. thence North  $52^{\circ} 22' 45''$  West, 241.08 feet;
6. thence North  $56^{\circ} 48' 27''$  West 208.53 feet;
7. thence North  $65^{\circ} 30' 34''$  West, 288.33 feet;
8. thence North  $76. 34' 00''$  West, 385.37 feet;
9. thence North  $86^{\circ} 18' 44''$  West, 107.80 feet;
10. thence North  $89^{\circ} 47' 00''$  West, 1236.26 feet, to the center line of 40.00 foot Emerald Avenue;
11. thence along said center line, South  $00^{\circ} 12' 07''$  East, 492.85 feet, to the center line of 60.00 foot Elm Avenue;
12. thence continuing along said center line, North  $89^{\circ} 28' 07''$  West, 564.67 feet;
13. thence North  $00^{\circ} 12' 07''$  West, 492.99 feet, to the Southern right-of-way line for future State Highway 132;
14. thence continuing along said right-of-way line, North  $89^{\circ} 28' 22''$  West, 821.33 feet;
15. thence South  $89^{\circ} 12' 44''$  West, 376.14 feet;
16. thence South  $86^{\circ} 53' 24''$  West, 375.52 feet;
17. thence South  $80^{\circ} 04' 49''$  West, 386.02 feet;
18. thence South  $30^{\circ} 24' 37''$  West, 165.75 feet;
19. thence South  $89^{\circ} 28' 26''$  West, 45.00 feet, to the center line of 90.00 foot Carpenter Road;
20. thence along said center line, North  $00^{\circ} 31' 34''$  West, 650.00 feet;
21. thence North  $89^{\circ} 28' 26''$  East, 45.00 feet, to the Northern right-of-way line of future State Highway 132;
22. thence continuing along said right-of-way line, South  $47^{\circ} 33' 16''$  East, 125.90 feet;
23. thence South  $80^{\circ} 49' 38''$  East, 543.24 feet;
24. thence South  $86^{\circ} 03' 28''$  East, 493.01 feet;
25. thence South  $89^{\circ} 30' 35''$  East, 800.00 feet;
26. thence North  $88^{\circ} 45' 57''$  East, 680.47 feet to the center

line of 40.00 foot Emerald Avenue;

27. thence along said center line North  $00^{\circ} 12' 07''$  West, 262.60 feet, to the quarter section line and Southern line of Kansas Avenue;

28. thence continuing along said street, South  $89^{\circ} 47' 00''$  East, 25.00 feet, to the interior quarter corner of Section 30;

29. thence South  $89^{\circ} 47' 00''$  East, 35.00 feet, to the center line of 40.00 foot Emerald Avenue;

30. thence along said center line, North  $00^{\circ} 11' 40''$  West, 1632.07 feet;

31. thence North  $89^{\circ} 39' 17''$  East, 30.00 feet, to the Northeastern line of 28.00 foot Barium Road;

32. thence continuing along the Northeastern line of said road, South  $13^{\circ} 46' 00''$  East, 81.72 feet;

33. thence South  $43^{\circ} 07' 30''$  East, 1084.67 feet;

34. thence along a curve having a Radius of 1972.00 feet, a Central Angle of  $3^{\circ} 35' 21''$ , and an Arc Length of 123.53 feet;

35. thence South  $89^{\circ} 47' 15''$  East, 89.26 feet;

36. thence South  $00^{\circ} 11' 40''$  East, 69.47 feet;

37. thence South  $37^{\circ} 24' 39''$  East, 35.78 feet;

38. thence South  $49^{\circ} 22' 30''$  East, 142.01 feet;

39. thence North  $00^{\circ} 11' 40''$  West, 231.60 feet;

40. thence South  $89^{\circ} 48' 20''$  West, 14.07 feet;

41. thence North  $00^{\circ} 11' 40''$  West, 20.04 feet;

42. thence North  $07^{\circ} 58' 20''$  East, 98.55 feet;

43. thence North  $00^{\circ} 11' 40''$  West, 484.27 feet;

44. thence along a curve having a Radius of 583.14 feet, a Central Angle of  $21^{\circ} 53' 00''$ , and an Arc Length of 222.72 feet;

45. thence North  $21^{\circ} 41' 20''$  East, 135.05 feet;

46. thence along a curve having a Radius of 562.22 feet, a Central Angle of  $47^{\circ} 37' 57''$ , and an Arc Length of 467.40 feet;

47. thence North  $00^{\circ} 11' 40''$  West, 7.02 feet;

48. thence North  $47^{\circ} 18' 10''$  East, 100.00 feet;

49. thence South  $42^{\circ} 51' 50''$  East, 2003.90 feet, to the point of beginning, containing 131.662 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-956

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (KANSAS AVENUE ADDITION)

WHEREAS, there has been annexed to the City of Modesto by Ordinance No. 1754 on July 10, 1978, certain territory known as Kansas Avenue Addition, and

WHEREAS, the inclusion of the area contained in Kansas Avenue Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Kansas Avenue Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 183.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, October 23, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 183.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) A Northeast corner of the Addition at the Southeast corner of Future State Highway 132 and Emerald Avenue.
- (2) A Southeast corner of the Addition at the Northwest corner of Elm Avenue and Emerald Avenue.
- (3) A Southwest corner of the Addition at the East line of Carpenter Road and the South line of Future State Highway 132.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 183, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 19 78, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elliott Johnson*  
ELLIOTT L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Rose Campbell*  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on September 5, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Elliott, seconded by Councilmember Kullijian, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Siefkin,  
Acting Mayor Dunlap

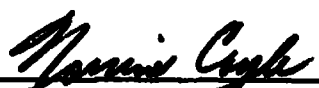
NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger, Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: September 6, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

KANSAS AVENUE ADDITION  
TO THE SEWER DISTRICT

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Western line of the KANSAS AVENUE ADDITION (378), as per description filed July 24, 1978, as Instrument 4617, Stanislaus County Records, said line being common to Sections 30 and 29;

1. thence continuing along the existing City Limits and the quarter section line, South  $00^{\circ} 35' 05''$  East, 600.64 feet, to the Southern right-of-way line of future State Highway 132;
2. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $52^{\circ} 22' 45''$  West, 396.48 feet;
3. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $89^{\circ} 47' 00''$  West, 12.17 feet;
4. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $52^{\circ} 22' 45''$  West, 241.08 feet;
5. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $56^{\circ} 48' 27''$  West, 208.53 feet;
6. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $65^{\circ} 30' 34''$  West, 288.33 feet;
7. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $76^{\circ} 34' 00''$  West, 385.37 feet;
8. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $86^{\circ} 18' 44''$  West, 107.80 feet;
9. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $89^{\circ} 47' 00''$  West, 1236.26 feet;
10. thence continuing along the existing City Limits and an Eastern line of said ADDITION (378), South  $00^{\circ} 12' 07''$  East, 492.85 feet;
11. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $89^{\circ} 28' 07''$  West, 564.67 feet;
12. thence continuing along the existing City Limits and a Western line of said ADDITION (378), North  $00^{\circ} 12' 07''$  West, 492.99 feet;
13. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $89^{\circ} 28' 22''$  West, 821.33 feet;

14. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $89^{\circ} 12' 44''$  West, 376.14 feet;
15. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $86^{\circ} 53' 24''$  West, 375.52 feet;
16. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $80^{\circ} 04' 49''$  West, 386.02 feet;
17. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $30^{\circ} 24' 37''$  West, 165.75 feet;
18. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $89^{\circ} 28' 26''$  West, 45.00 feet, to the center line of 90.00 foot Carpenter Road;
19. thence continuing along the existing City Limits and a Western line of said ADDITION (378), North  $00^{\circ} 31' 34''$  West, 650.00 feet;
20. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, North  $89^{\circ} 28' 26''$  East, 45.00 feet;
21. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, South  $47^{\circ} 33' 16''$  East, 125.90 feet;
22. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, South  $80^{\circ} 49' 38''$  East, 543.24 feet;
23. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, South  $86^{\circ} 03' 28''$  East, 493.01 feet;
24. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, South  $89^{\circ} 30' 35''$  East, 800.00 feet;
25. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, North  $88^{\circ} 45' 57''$  East, 664.56 feet;
26. thence leaving the existing City Limits and continuing along the Northern right-of-way line of future State Highway 132, North  $84^{\circ} 15' 36''$  East, 32.73 feet;
27. thence continuing along the Northern right-of-way line of future State Highway 132, South  $89^{\circ} 47' 00''$  East, 936.13 feet;
28. thence continuing along the Northern right-of-way line of future State Highway 132, North  $83^{\circ} 55' 51''$  East, 328.88 feet;

29. thence continuing along the northern right-of-way line of future State Highway 132, South  $84^{\circ} 01' 16''$  East, 667.74 feet;
30. thence continuing along the Northern right-of-way line of future State Highway 132, South  $89^{\circ} 47' 15''$  East, 48.10 feet, to a point on a curve;
31. thence continuing along the Northern right-of-way line of future State Highway 132, through a curve concave to the Southwest, having a Central Angle of  $19^{\circ} 00' 07''$ , a Radius of 920.00 feet, and an Arc Length of 305.12 feet;
32. thence continuing along the Northern right-of-way line of future State Highway 132, South  $63^{\circ} 42' 20''$  East, 107.99 feet, to a point on a curve;
33. thence continuing along the Northern right-of-way line of future State Highway 132, through a curve concave to the Southeast, having a Central Angle of  $22^{\circ} 39' 54.5''$ , a Radius of 913.00 feet, and an Arc Length of 361.17 feet, to the Eastern line of said ADDITION (378), to the point of beginning, containing 42.860 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-957

A RESOLUTION INSTRUCTING THE SUPERINTENDENT OF STREETS TO GIVE NOTICE REQUIRING CONSTRUCTION OF IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF MODESTO

WHEREAS, Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The Council of the City of Modesto upon its own motion hereby orders the installation of the improvements described in the notices which are attached hereto and incorporated by reference herein.

SECTION 2. The Superintendent of Streets is hereby directed to deliver, mail and post said notices in the manner specified in Sections 5876 through 5879 of the Streets and Highways Code.

SECTION 3. The 18th day of September, 19 78, at 4:00 o'clock P.M. in the Council Chambers, located in the City Hall, 801 Eleventh Street, Modesto, California is set as the time and place where the Council will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested person relating to the proposed work.

SECTION 4. The Superintendent of Streets is hereby authorized to implement the provisions of this resolution in accordance with the procedure contained in Chapter 27, Part 3, Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

- (a) Sidewalk at 1445 Del Vale Avenue, a portion of Block 6081. (John J. Brigham)**
- (b) Sidewalk along Del Vale Avenue at 1600 Pearl Street, a portion of Block 6081. (Donald D. Hamilton)**
- (c) Sidewalk along Del Vale Avenue at 1444 Del Vale Avenue, Lot 28 of Block 6080. (Ardell M. Hill)**
- (d) Sidewalk along Del Vale Avenue at 1541 Cherrywood Drive, Lot 22 of Block 6023. (Dilwyn B. Studebaker)**
- (e) Sidewalk along Del Vale Avenue at 1542 Maplewood Drive, Lot 1 of Block 6023. (George E. Wallace)**
- (f) Sidewalk along Brady Avenue at 1224 Brady Avenue Lot 12 of Block 6004. (Paul C. Favour)**
- (g) Sidewalk along Brady Avenue at 1212 Brady Avenue, Lot 29 of Block 6003. (Alfred R. Pope, Jr.)**
- (h) Sidewalk at 1415 "F" Street, a portion of Block 115 (Cordia Ritter)**
- (i) Curb along Melrose Avenue at 500 Palm Avenue, a portion of Block 664. (Helen Rubino)**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-958

A RESOLUTION ACCEPTING IMPROVEMENTS IN MONTPELIER ESTATES SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Montpelier Development Company  
subdividers of Montpelier Estates Subdivision , have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$162,700 and \$81,350 respectively to guarantee improvements  
in Montpelier Estates Subdivision, and

WHEREAS, the Director of Public Works in a memorandum dated  
August 28, 1978 , 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 Montpelier Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$162,700 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$81,350 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978 by Councilmember Kullijian , 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:   
~~NORRINE COYLE, City Clerk~~

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-959

CONCESSION  
A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
AVIS RENT-A-CAR AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
concession  
that the/agreement between the City of Modesto and Avis Rent-A-Car

for renewal of agreement for three years beginning September 1, 1978,  
and expiring on August 31, 1981,  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 5th day of  
September, 1978, by Councilmember Kullijian,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-960

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 24-3-9 OF THE ZONING MAP (Jan Rouw)

WHEREAS, the Modesto City Planning Commission held a public hearing on August 15, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 24-3-9 of the Zoning Map, to rezone from R-1 to P-D(204) property located on the north side of E. Orangeburg Avenue, west of Claus,

the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-153 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 24-3-9 of the Zoning Map be set for October 9, 1978, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Kullijian, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

All that certain real property situate in a portion of the Northeast Quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lot 2 and the North 713 feet, more or less, of the East 344.0 feet of Lot 3 of IDAHO COLONY, according to the Official Map thereof, filed for record on April 27, 1909, in Volume 4 of Maps at page 21, Stanislaus County Records.

Excepting therefrom all of said Lots 2 and 3 immediately north of the south line of Briggsmore Avenue.

Containing 20.6 Acres, more or less.

SCHEDULE "A"  
9/5/78  
Item 29

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-961

A RESOLUTION AUTHORIZING STAFF TO PETITION THE PUBLIC UTILITIES  
COMMISSION FOR A HEARING TO PROTEST A RATE INCREASE

WHEREAS the United Air Lines is requesting a 7.4 per cent fare increase on intrastate fares which would have some effect on Modesto.

BE IT RESOLVED that the Council of the City of Modesto authorizes the staff to petition the Public Utilities Commission for a hearing to protest a rate increase.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1978, by Councilmember Mensinger, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott, Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-962

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF WATERLINE EXTENSION ON PALMILLA DRIVE AND SEMALLON DRIVE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of waterline extension on Palmilla Drive and Semallon Drive copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 3, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** Norrine Coyle  
NORRINE COYLE, CITY CLERK

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-963

A RESOLUTION ACCEPTING THE CONSTRUCTION OF A GUARD RAIL ON TUOLUMNE  
AT THE 99 FREEWAY UNDERCROSSING

WHEREAS, a report has been filed by the Director of Parking  
and Traffic that the construction of a guard rail on Tuolumne  
at the 99 Freeway undercrossing  
has been completed by L. Ferdig and Company

in accordance with the contract agreement dated April 24, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of a guard  
rail on Tuolumne at the 99 Freeway undercrossing  
be accepted from said contractor, L. Ferdig and Company;

that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$7,953  
as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 11th day of  
September, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-964

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WADING POOLS AT COLEMAN  
F. BROWN AND CHRYSLER PARKS**

WHEREAS, a report has been filed by the Director of Public Works that the construction of wading pools at Coleman F. Brown and Chrysler Parks has been completed by William Mineni

in accordance with the contract agreement dated February 6, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of wading pools at Coleman F. Brown and Chrysler Parks be accepted from said contractor, William Mineni;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$78,200 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-965

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (VENEMAN NO. 2 ADDITION)

WHEREAS, the Council (herein called the "Council") of the  
City of Modesto (herein called the "City") heretofore on August 15,  
1966, duly adopted Resolution No. 66-543, which was recorded in the  
office of the County Recorder of Stanislaus County on August 16,  
1966, and which established the Modesto Municipal Sewer District  
No. 1, and

WHEREAS, the Council heretofore on July 24,  
1978, duly adopted Resolution No. 78-774 (herein called the  
"resolution") determining that the public interest and convenience  
require that certain territory designated as Modesto Municipal  
Sewer District No. 1 Annexation No. 180 be annexed to the  
Modesto Municipal Sewer District No. 1, setting forth a general  
description of the area proposed to be annexed, and naming a time  
and place for hearing on annexation of the territory proposed to be  
annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the  
members of the Council voting for and against it, was posted,  
mailed to property owners in the area proposed to be annexed and  
published in the time, form and manner required by the resolution  
and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, September 11, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 180 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 180 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 180, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 180, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Elliott,

who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *[Signature]*  
Public Works Department

## VENEMAN NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a corner of STANDIFORD-SNYDER ADDITION (360), as per description filed September 20, 1977 as Instrument 18800, Stanislaus County Records, said point being on the West line of Section 12;

1. thence along the existing City Limits and a Western line of said ADDITION (360), South  $00^{\circ} 42' 30''$  East, 954.13 feet, to a Southwest corner of said ADDITION (360) and the center line of 40.00 foot Standiford Avenue;
2. thence leaving the existing City Limits along said center line, South  $88^{\circ} 47' 00''$  West, 1631.58 feet, to a Northeast corner of CONANT NO. 1 ADDITION (294), as per description filed July 27, 1972 as Instrument 3721, Stanislaus County Records;
3. thence along the existing City Limits along said avenue and Northern line of said ADDITION (294), South  $88^{\circ} 47' 00''$  West, 1022.07 feet, to the Southeast corner of VENEMAN ADDITION (337), as per description filed January 16, 1976 as Instrument 31886, Stanislaus County Records;
4. thence continuing along the existing City Limits along the Eastern line of said ADDITION (337), North  $00^{\circ} 00' 44''$  East, 992.58 feet;
5. thence leaving the existing City Limits, North  $89^{\circ} 36' 48''$  East, 2110.46 feet, to a Southwest corner of STANDIFORD-SNYDER ADDITION (360);
6. thence along the existing City Limits, North  $89^{\circ} 36' 48''$  East, 530.64 feet to the point of beginning, containing 59.151 Acres, more or less.

82426 JUN 27 '78

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on September 11, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Elliott, seconded by Councilmember Kullijian, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

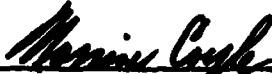
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: September 12, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-966

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. ( LAUREL AVENUE ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on July 24, 1978, duly adopted Resolution No. 78-775 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 179 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, September 11, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 179 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 179 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 179, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 179, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Kullijian,

who moved its adoption, which motion being duly seconded by Council-  
member Mensinger, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

## LAUREL AVENUE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeast corner of CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;

1. thence continuing along the Northern line of said ADDITION (103), and the Southern line of the Modesto Irrigation District Lateral No. 4, South  $64^{\circ} 25' 24''$  West, 48.03 feet;
2. thence continuing along the existing City Limits and Southern line of Modesto Irrigation Lateral No. 4, North  $73^{\circ} 15' 36''$  West, 508.17 feet, to the Northwest corner of said ADDITION (103);
3. thence leaving the existing City Limits, North  $73^{\circ} 15' 36''$  West, 299.41 feet;
4. thence North  $01^{\circ} 04' 30''$  East, 484.22 feet, to the center line of 40.00 foot Laurel Avenue;
5. thence continuing along the center line of said avenue, South  $88^{\circ} 57' 30''$  East, 916.17 feet;
6. thence South  $01^{\circ} 04' 47''$  West, 633.28 feet;
7. thence South  $64^{\circ} 25' 24''$  West, 106.97 feet, along a Northern line of MAZE COURT ADDITION (42), as per description filed October 9, 1951, as Instrument 23639, Stanislaus County Records, to the point of beginning, containing 12.719 Acres, more or less.

82698 JUN 20 1978

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on September 11, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Kullijian, seconded by Councilmember Mensinger, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap


NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: September 12, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-967

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, REZONING CERTAIN PROPERTY LOCATED THEREON. (PROPERTY LOCATED ON THE SOUTH SIDE OF EAST GRANGER, EAST OF MELROSE. R. L. Sessions Development Company)

WHEREAS, on September 11, 1978, the City Council

introduced Ordinance No. 1769 C.S. giving approval to a project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto, to rezone certain property to Medium Density Residential Zone, R-2

\_\_\_\_\_ , and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 21-3-9 of the Zoning Map of the City of Modesto, to rezone certain property to Medium Density Residential Zone, R-2

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-968

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, REZONING CERTAIN PROPERTY LOCATED THEREON. (PROPERTY LOCATED ON THE SOUTH SIDE OF EVERGREEN AVENUE BETWEEN GRAPE AVENUE AND GAY DRIVE-RULE DEVELOPMENT)

WHEREAS, on September 11, 1978, the City Council

Ordinance No. 1770 C. S. giving approval to a project relating to an amendment to Section Map 19-3-9 of the Zoning Map of the City of Modesto, to rezone certain property to Medium Density Residential, R-2

\_\_\_\_\_, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 19-3-9 of the Zoning Map of the City of Modesto, to rezone certain property to Medium Density Residential Zone, R-2

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers:

ABSENT: Councilmembers:

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-969

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAPS 16-3-9 AND 17-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, REZONING CERTAIN PROPERTY LOCATED THEREON. (Council Initiated) (Property Located on Both the East and West Sides of McHenry Avenue Between Bowen Avenue and Griggsmore Avenues)

WHEREAS, on September 11, 1978, the City Council

introduced Ordinance No. 1772 C. S. giving approval to a project relating to and amendment to Section Maps 16-3-9 and 17-3-9 of the Zoning Map of the City of Modesto, to rezone certain property to Highway Frontage Zone, H-1

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Maps 16-3-9 and 17-3-9 of the Zoning Map of the City of Modesto, to rezone certain property to Highway Frontage Zone, H-1

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Elliott, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-970

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (203).

WHEREAS, a verified application for an amendment to Sections 4-3-9  
and 9-3-9 \_\_\_\_\_ of the Zoning Map was filed by Coralwood Mobilehome  
Community on July 17, 1978, to  
reclassify from Low Density Residential Zone, R-1,  
to Planned-Development Zone, P-D, the following described property:

All that real property in the State of California, County of  
Stanislaus, being a portion of the Southwest Quarter of Section 4,  
Township 3 South, Range 9 East, Mount Diablo Base and Meridian,  
described as follows:

Beginning at a point on the existing City limits as established by  
the Northwest corner of the NORTH MCHENRY NO. 3 ADDITION, as per  
description filed July 29, 1977, as Instrument 7142, Stanislaus  
County Records;

1. Thence continuing along the existing City limits along a  
Northern line of said ADDITION, North 89° 59' 00" East, 1758.63  
feet;
2. Thence continuing along the existing City limits along the  
Eastern line of said ADDITION, South 01° 42' 15" East, 271.56 feet;
3. Thence leaving the existing City limits and continuing along  
the Southern line of Section 4, North 89° 13' 00" West, 1763.07  
feet;
4. Thence re-joining the existing City limits and continuing along  
a Western line of said ADDITION, North 00° 53' 00" West, 246.85  
feet, to the point of beginning, containing 10.473 acres, more or  
less.

## Part 2

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest Quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City limits as established by the Northwest corner of the SYLVAN NO. 3 ADDITION, as per description filed November 3, 1976, as Instrument 23707, Stanislaus County Records;

1. Thence continuing along the existing City limits and the Western line of said ADDITION, South  $00^{\circ} 51' 20''$  East, 330.68 feet, to a Northeastern corner of the MCHENRY UNION ADDITION, as per description filed September 8, 1975, as Instrument 10359, Stanislaus County Records;
2. Thence continuing along the existing City limits and a Northern line of said ADDITION, North  $89^{\circ} 18' 20''$  West, 1762.83 feet;
3. Thence leaving the existing City limits, North  $00^{\circ} 53' 00''$  West, 40.00 feet;
4. Thence joining the existing City limits and continuing along a Western line of the NORTH MCHENRY NO. 3 ADDITION, as per description filed July 29, 1977, as Instrument 7142, Stanislaus County Records, North  $00^{\circ} 53' 00''$  West, 333.42 feet, to the Northern line of Section 9;
5. Thence leaving the existing City limits and continuing along the Northern line of Section 9, South  $89^{\circ} 13' 00''$  East, 1763.07 feet, to the point of beginning, containing 13.433 acres, more or less.

WHEREAS, after public hearing held on August 15, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The mobilehome park which exists as a nonconforming use is already constructed as the result of a County building permit issued prior to the annexation of the property to the City of Modesto.
2. The mobilehome park substantially conforms to the mobilehome park standards of the City of Modesto as modified by the State of California's Administrative Code, Title 25, governing mobilehome parks which supersedes local mobilehome regulations.

WHEREAS, after a public hearing held on September 11, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Coralwood Mobilehome Community for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1773 -C.S. on the 11th day of September, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D (203).

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 (203), is hereby approved in accordance with the plan titled "Development Plan Mobileparks West No. 219"

\_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on August 15, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plan.
2. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
3. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
4. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works. Parking shall be prohibited on all driveways as required by the Fire Chief.
5. That the front, side, and rear yard setbacks on the individual mobilehome spaces shall be as set forth in Title 25 of the California Administrative Code.
6. That all drainage shall be handled onsite in accordance with the requirements of the Director of Public Works.
7. That the developer shall be allowed one sign up to 6 feet high and 12 square feet in area at the main entrance to the development.
8. That water mains and fire hydrants on the interior of the mobilehome park shall be installed by the developer in accordance with the requirements of the Fire Chief.
9. That all utilities shall be underground including TV reception facilities except that one central radio and TV antenna may be provided with underground wiring to the individual mobilehomes and recreation building.

10. That a minimum of 400 square feet per unit of usable common recreation area for a combination of both indoor and outdoor community recreation and service facilities which may be utilized for clubhouses, swimming pools, lawn area, game area, or picnic area shall be provided and maintained.
11. That if boats, campers, and trailers are to be allowed on the premises, the developer shall provide a storage area of sufficient size to park a minimum of one boat or camper or trailer with the area not being less than 10 feet by 20 feet for each five mobilehome sites in the park.
12. That offstreet parking shall be provided on the basis of a minimum of one space for every five mobilehome sites.
13. That the sale of mobilehomes may be conducted within the mobilehome park from model mobilehomes set up in the mobilehome park.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (203) :

That construction which has already been commenced shall be completed by January 9, 1980.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (203) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

(SEAL)

APPROVED AS TO FORM.

By ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William D. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-971

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAPS 4-3-9 AND 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, REZONING CERTAIN PROPERTY LOCATED THEREON. (Coralwood Mobilehome Community)

WHEREAS, on September 11, 1978, the City Council by Ordinance No. 1773 - C. S. giving approval to a project relating to an amendment to Section Maps 4-3-9 and 9-3-9 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Planned Development Zone P-D (203)

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Maps 4-3-9 and 9-3-9 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Planned Development Zone P-D (203)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-972

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
MC HENRY-DRY CREEK FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the McHenry-Dry Creek  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Irons Court Addition  
by Resolution No. 78-800 adopted on August 7, 1978, and said  
annexation officially became a part of the City of Modesto on August 18, 1978,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
McHenry-Dry Creek Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

## IRONS COURT ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern line of DOWNEY HIGH SCHOOL and JOHN MUIR SCHOOL ADDITION (33), as per description filed July 27, 1950, as Instrument 16443, Stanislaus County Records;

1. thence along the existing City Limits along the Southern line of said ADDITION (33), South  $89^{\circ} 42' 00''$  East, 395.26 feet, to the center line of 60.00 foot Brighton Avenue;
2. thence continuing along the existing City Limits along the center line of Brighton Avenue and the Western line of STRATHMORE ADDITION (226), as per description filed February 13, 1969, as Instrument 4972, Stanislaus County Records, South  $00^{\circ} 20' 00''$  East, 330.02 feet;
3. thence leaving the existing City Limits, North  $89^{\circ} 39' 30''$  West, 395.53 feet;
4. thence North  $00^{\circ} 17' 30''$  West, 329.74 feet, to the point of beginning, containing 2.79 $\frac{1}{2}$  Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-973

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
BURBANK-PARADISE FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Burbank-Paradise  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Paradise-Wade Addition  
by Resolution No. 78-830 adopted on August 7, 1978, and said  
annexation officially became a part of the City of Modesto on August 22, 1978,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
Burbank-Paradise Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

PARADISE - WADE ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest corner of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a North west corner of ROBERTSON NO. 5 ADDITION (210), as per description filed January 29, 1968, as Instrument 3055, Stanislaus County Records, said point being an interior quarter corner of Section 6;

1. thence along the existing City Limits and a Western line of said ADDITION (210), South  $00^{\circ} 01' 00''$  East, 362.94 feet;
2. thence along the existing City Limits and a Northern line of said ADDITION (210), South  $89^{\circ} 45' 45''$  West, 686.01 feet;
3. thence along the existing City Limits and a Western line of said ADDITION (210), South  $00^{\circ} 08' 30''$  West, 967.18 feet, to the center line of Robertson Road;
4. thence leaving the existing City Limits and continuing along the center line of Robertson Road, South  $89^{\circ} 40' 00''$  West, 688.71 feet;
5. thence North  $00^{\circ} 17' 30''$  East, 1320.26 feet, to the Northern line of Peggy Lane;
6. thence along the North line of Peggy Lane, South  $89^{\circ} 46' 55''$  West, 274.13 feet;
7. thence North  $39^{\circ} 49' 04''$  West, 296.58 feet, to the center line of Paradise Road;
8. thence continuing along the center line of Paradise Road, North  $50^{\circ} 05' 57''$  East, 2390.35 feet, to the center line of Wade Avenue and the North-South quarter Section line of Section 6;
9. thence continuing along the center line of Wade Avenue and said quarter Section line, South  $00^{\circ} 00' 49''$  East, 465.91 feet, to the termination of Wade Avenue;
10. thence continuing along said quarter Section line of Section 6, South  $00^{\circ} 00' 49''$  East, 1277.32 feet, to the point of beginning, containing 67.601 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-974

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (IRONS COURT ADDITION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No.

78-800 on August 7, 19 78, certain territory known as \_\_\_\_\_  
Irons Court Addition, and

WHEREAS, the inclusion of the area contained in \_\_\_\_\_

Irons Court Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Irons Court Addition  
\_\_\_\_\_ (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 184.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, November 6, 1978, at the hour of 4:00 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 184.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The northeast corner of the annexation at the west line of Brighton Avenue.
- (2) The eastern line of the annexation at the northwest corner of Irons Court and Brighton Avenue.
- (3) The southeast corner of the annexation at the west line of Brighton Avenue.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 184, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

## IRONS COURT ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern line of DOWNEY HIGH SCHOOL and JOHN MUIR SCHOOL ADDITION (33), as per description filed July 27, 1950, as Instrument 16443, Stanislaus County Records;

1. thence along the existing City Limits along the Southern line of said ADDITION (33), South  $89^{\circ} 42' 00''$  East, 395.26 feet, to the center line of 60.00 foot Brighton Avenue;
2. thence continuing along the existing City Limits along the center line of Brighton Avenue and the Western line of STRATHMORE ADDITION (226), as per description filed February 13, 1969, as Instrument 4972, Stanislaus County Records, South  $00^{\circ} 20' 00''$  East, 330.02 feet;
3. thence leaving the existing City Limits, North  $89^{\circ} 39' 30''$  West, 395.53 feet;
4. thence North  $00^{\circ} 17' 30''$  West, 329.74 feet, to the point of beginning, containing 2.99 $\frac{1}{2}$  Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on September 11, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Kullijian, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap


NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: September 12, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-975

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (PARADISE-WADE ADDITION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No. 78-830 on August 7, 19 78, certain territory known as Paradise-Wade Addition, and

WHEREAS, the inclusion of the area contained in Paradise-Wade Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Paradise-Wade Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 185.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, November 6, 1978, at the hour of 4:00 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 185.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The northeast corner of the annexation at the south line of Paradise Road.
- (2) A southeast corner of the annexation at the north line of Robertson Road at the intersection with Hancock Street.
- (3) A southwest corner of the annexation at the north line of Robertson Road at the intersection with Thomas Street.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 185, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on September 11, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Kullijian, and adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

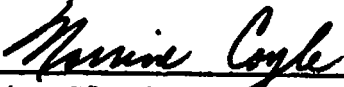
NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: September 12, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

PARADISE - WADE ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest corner of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a North west corner of ROBERTSON NO. 5 ADDITION (210), as per description filed January 29, 1968, as Instrument 3055, Stanislaus County Records, said point being an interior quarter corner of Section 6;

1. thence along the existing City Limits and a Western line of said ADDITION (210), South  $00^{\circ} 01' 00''$  East, 362.94 feet;
2. thence along the existing City Limits and a Northern line of said ADDITION (210), South  $89^{\circ} 45' 45''$  West, 686.01 feet;
3. thence along the existing City Limits and a Western line of said ADDITION (210), South  $00^{\circ} 08' 30''$  West, 967.18 feet, to the center line of Robertson Road;
4. thence leaving the existing City Limits and continuing along the center line of Robertson Road, South  $89^{\circ} 40' 00''$  West, 688.71 feet;
5. thence North  $00^{\circ} 17' 30''$  East, 1320.26 feet, to the Northern line of Peggy Lane;
6. thence along the North line of Peggy Lane, South  $89^{\circ} 46' 55''$  West, 274.13 feet;
7. thence North  $39^{\circ} 49' 04''$  West, 296.58 feet, to the center line of Paradise Road;
8. thence continuing along the center line of Paradise Road, North  $50^{\circ} 05' 57''$  East, 2390.35 feet, to the center line of Wade Avenue and the North-South quarter Section line of Section 6;
9. thence continuing along the center line of Wade Avenue and said quarter Section line, South  $00^{\circ} 00' 49''$  East, 465.91 feet, to the termination of Wade Avenue;
10. thence continuing along said quarter Section line of Section 6, South  $00^{\circ} 00' 49''$  East, 1277.32 feet, to the point of beginning, containing 67.601 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-976

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM A. AND MARSHA L. SILVEIRA FOR THE PURCHASE OF THEIR REAL PROPERTY LOCATED AT 529 SUNSET AVENUE FOR USE AS AN ADDITION TO DEL WEBB SOCCER FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. William A. Silveira for the purchase of their real property located at 529 Sunset Avenue for use as an addition to Del Webb Soccer Field is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-977

A RESOLUTION APPROVING THE FINAL MAP OF THE SHELLI ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Darrell and Jane Silvers are possessed of a tract of land  
situate in the City of Modesto, County of Stanislaus, consisting of 1.233 acres,  
known as the Shelli Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the City Planning  
Commission on the 15th day of March, 1977, and

WHEREAS, the final map of said tract has been approved by the Secretary  
of the City Planning Commission, and

WHEREAS, the City Engineer of the City of Modesto has certified that  
the final map of said Shelli Estates Subdivision meets all of the provisions  
of the California Subdivision Map Act and the provisions of the Modesto Municipal  
Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that said final map be approved; that the streets, alleys and easements as shown  
thereon within the boundaries of said tract be accepted on behalf of the public  
for public use; and that the City Clerk be authorized to certify the map of said  
tract on behalf of the City of Modesto after the fees and deposits required by  
the Modesto Municipal Code in amounts determined by the City Engineer have been  
paid.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-978

A RESOLUTION ACCEPTING IMPROVEMENTS IN SHELLI ESTATES SUBDIVISION

WHEREAS, the Director of Public Works has indicated that it would be in order for the City Council to accept the improvements in Shelli Estates Subdivision as complete and authorize the City Clerk to file notice of completion.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto:

1. The improvements in Shelli Estates Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to file a notice of completion of said Subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-979

A RESOLUTION APPROVING THE FINAL MAP OF THE  
HARTFORD PLACE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Romo Properties, a Joint Venture, composed of Leafland Properties, Inc., a corporation, and James E. Price, a married man, doing business as Price Enterprises

is (~~are~~) possessed of a tract of land situate in the City of Modesto, County of Stanislaus, consisting of 14.334 acres, known as the Hartford Place Subdivision, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 1st day of August, 1978, 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 Hartford Place Subdivision meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

*Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-980

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR A WHEELCHAIR RAMP ON ROUTE 108 AND ROUTE 132 IN THE CITY OF MODESTO (AGREEMENT NO. 10-639)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the State of California

for wheelchair ramps on Route 108 and Route 132 in the City of Modesto (Agreement No. 10-639)

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 September, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-981

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 13-3-8 OF THE ZONING MAP (Richard Ciccarelli)

WHEREAS, the Modesto City Planning Commission held a public hearing on September 5, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 13-3-8 of the Zoning Map, to rezone from R-1 to P-D to allow retail commercial development on property located at the northwest corner of Prescott and Rumble Roads the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-170 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 13-3-8 of the Zoning Map be set for October 16, 1978 at 7:30 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

ALL that certain real property situate in a portion of the Northeast quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows;

BEGINNING at the Northeast corner of said Section 13, said corner being a point on the center line of Prescott Road; thence South  $0^{\circ}15'00''$  East, along the East line of said Section 13, and the centerline of Prescott Road, a distance of 165.70 feet, to the intersection with the center line of Rumble Road, as shown on the map filed in Volume 11 of Surveys at Page 124, Stanislaus County Records; thence South  $89^{\circ}14'40''$  West, along said center line of Rumble Road, a distance of 100.00 feet, to the beginning of a tangent curve, concave to the Northeast; thence Westerly, 328.78 feet, along said curve, and the center line of Rumble Road, having a radius of 600.00 feet, and a central angle of  $31^{\circ}23'46''$  to a point of reverse curvature; being concave to the Southwest; thence continuing Westerly 219.08 feet along said curve and the center line of Rumble Road, having a radius of 600.00 feet, and a central angle of  $20^{\circ}55'13''$  to the North line of said Section 13, and a point of cusp; thence North  $89^{\circ}19'40''$  East, along said North line of said Section 13, a distance of 617.27 feet to the point of beginning.

Containing 1.517 acres.

SCHEDULE "A"  
9/11/78  
Item 22

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-982

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 13-3-8 OF THE ZONING MAP (Paul Rumble)

WHEREAS, the Modesto City Planning Commission held a public hearing on September 5, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 13-3-8 of the Zoning Map, to rezone from R-2 to P-D to allow a fruit and produce sales establishment, property located on the south side of Rumble Road, east of Sisk Road the following described property:

All that certain real ppty situate in a portion of the Northwest quarter of Sec. 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of Calif., described as follows:  
All of Parcel 3 as shown on the Parcel Map, filed in Book 26 of Parcel Maps at Pg. 103, Stanislaus County Records.  
Including also the Southerly 30 ft. of Rumble Rd. immediately adjacent to said Parcel 3.  
Containing 1.68 acres.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-171 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 13-3-8 of the Zoning Map be set for October 23, 1978 at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-983

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
WILLIAMS ACE HARDWARE FOR A PAY STATION FOR COLLECTION OF UTILITY  
BILLS

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Williams Ace  
Hardware

for a pay station for collection of utility bills

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
September, 1978, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-984

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINE EXTENSION ON BLUE BIRD DRIVE AND PELANDALE AVENUE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of waterline extension on Blue Bird Drive and Pelandale 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 October 3, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-985

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF SUBTRUNK SEWER EXTENSION IN BLUE BIRD DRIVE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of subtrunk sewer extension in Blue Bird Drive copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 3, 1978 at 11:10 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-986

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES, INCLUDING BUS  
PASSENGER SHELTER AND PARKING FACILITIES. (CHARLES L.  
TOCALINO)

WHEREAS, on August 21, 1978, the Council of the City of Modesto by  
Resolution No. 78-912 set a hearing to consider a resolution of necessity to  
acquire certain real property, hereinafter described, and

WHEREAS, on September 18, 1978, 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 construction of a bus passenger shelter and parking facilities.

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 above.

2. The taking of real property for municipal purposes by eminent  
domain proceedings is authorized pursuant to Sections 37350.5, 37351, 37353 and  
40404 of the Government Code of the State of California.

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 real property which is hereinafter described consists of a  
parcel approximately 60 feet by 101 feet, with a 1-1/2 story, 1232 square foot  
structure, the remainder of the parcel not occupied by said structure being paved,  
located on the northeast corner of the intersection of 9th and I Streets, and 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, as are 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 as follows:

The Southwesterly 60 feet of Lots 17, 18, 19 and 20 in Block 56 of the CITY OF MODESTO, and the Southwesterly 60 feet of the Southwesterly one foot of Lot 21 in said Block 56 of the CITY OF MODESTO, according to the Official Map thereof filed July 15, 1938 in Vol. 13 of Maps, Stanislaus County Records.

The above described property is more particularly described as commencing at a point on the Northerly line of "I" Street, Modesto, where it is intersected by the Easterly line of 9th Street; thence in a Northwesterly direction along the Easterly line of 9th Street 101 feet; thence at right angles in Northeasterly direction parallel with the Northerly line of "I" Street, 60 feet; thence at right angles in a Southeasterly direction and parallel with the Easterly line of 9th Street, 101 feet to Northerly line of "I" Street; thence in a Southwesterly direction along Northerly line of "I" Street, 60 feet to the point of beginning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Marvin Cagle*  
City Clerk

(SEAL)

APPROVED AS TO FORM

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *A. A. Hayward*  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-987

A RESOLUTION DENYING THE APPEAL OF DESIGN UNLIMITED FILED ON BEHALF OF GREGORY DEVELOPMENT COMPANY TO THE DECISION OF THE PLANNING COMMISSION DENYING AN AMENDMENT TO SECTION 23-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE (R-3) TO PLANNED DEVELOPMENT ZONE, P-D, PROPERTY LOCATED AT THE SOUTHEAST CORNER OF OAKDALE ROAD AND PEPPERMINT DRIVE IN THE CITY OF MODESTO, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Gregory Development Company on July 17, 1978, to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, to allow commercial development including a restaurant and retail stores, property located at the southeast corner of Oakdale Road and Peppermint Drive in the City of Modesto, described as follows:

All that certain real property situate in a portion of the Southwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Lot 1, of Block 1423, as shown on the map of Morningside Estates, filed in Volume 22 of Maps at Page 61, Stanislaus County Records.

Including also the southerly 30.00 feet of Peppermint Drive and the easterly 33.50 feet of Oakdale Road, all being immediately adjacent to said Lot 1, of Block 1423, and

WHEREAS, a public hearing was held by the Planning Commission on August 15, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence, both oral and documentary, was received and considered, and

WHEREAS, on August 15, 1978, the Planning Commission by Resolution No. 78-148 denied the requested rezoning from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, of the property located at the southeast corner of Oakdale Road and Peppermint Drive in the City of Modesto, as described above, and found and determined that the requested rezoning was not required by public necessity, convenience, and general welfare for the following reasons:

1. There is more than sufficient commercial development on Oakdale Road to satisfy the demand for such development and the commercial standards as set forth in the Modesto Urban Area General Plan are already exceeded for this area.
2. Approval of said application would set the precedent for establishing an undesirable commercial "strip" on Oakdale Road between Briggsmore Avenue and Scenic Drive, and

WHEREAS, by letter dated August 18, 1978, Design Unlimited filed an appeal on behalf of Gregory Development Company, to the decision of the Planning Commission denying its request for rezoning from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, of the property described above located at the southeast corner of Oakdale Road and Peppermint Drive in the City of Modesto, and

WHEREAS, a public hearing was held by the Council of the City of Modesto on September 18, 1978, to consider the appeal of Design Unlimited filed on behalf of Gregory Development Company to the decision of the Planning Commission denying rezoning from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, of the above described property located at the southeast corner of Oakdale Road and Peppermint Drive in the City of Modesto, and

WHEREAS, said Council, after hearing evidence both oral and documentary, found and determined that the appeal of Design Unlimited filed on behalf of Gregory Development Company to the decision of the Planning Commission denying rezoning from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, of the above described property should be denied for the reasons hereinabove set forth, and that the decision of the Planning Commission denying the requested rezoning should be affirmed, and

WHEREAS, the City Council at said Council meeting 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 proposed rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Design Unlimited filed on behalf of Gregory Development Company, to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 78-148, denying an amendment to Section 23-3-9 of the Zoning Map to rezone from Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D, of the property located at the southeast corner of Oakdale Road and Peppermint Drive in the City of Modesto, as above described, should be denied for the reasons set forth above, and that the decision of the Planning Commission be affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William J. McElroy*  
Department of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-938

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (200).

WHEREAS, a verified application for an amendment to Section  
11-3-8 of the Zoning Map was filed by Channel Investments, Inc.  
on May 15, 1978, to  
reclassify a portion of Planned Development Zone, P-D(166) to a  
new Planned-Development Zone, P-D, the following described property:

All that certain piece or parcel of land situate in and being a portion of  
Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian  
being more particularly described as follows:

Commencing at the most southerly corner of Parcel 2 according to the Official  
Map thereof recorded in Volume 19 of Parcel Maps at page 56, official records  
of Stanislaus County, California; thence North  $48^{\circ} 19' 39''$  West along the southwest  
line of said Parcel 2, a distance of 150.09 feet; thence continue along said  
southwesterly line and along the arc of a curve concave to the northeast, a  
distance of 383.40 feet, said curve having a central angle of  $5^{\circ} 32' 00''$  and a  
radius of 3970.00 feet; thence continue along said southwesterly line North  
 $42^{\circ} 47' 39''$  West, a distance of 102.09 feet; thence North  $47^{\circ} 12' 21''$  East, a  
distance of 12.00 feet to the northeasterly line of a road known as Sisk Road  
and the true point of beginning of this description; thence along the arc of a  
curve concave to the north, a distance of 25.01 feet, said curve having a  
central angle of  $95^{\circ} 32' 00''$  and a radius of 15.00 feet; thence North  $41^{\circ} 40' 21''$   
East, a distance of 281.11 feet; thence along the arc of a curve concave to  
the northwest, a distance of 32.18 feet, said curve having a central angle of  
 $36^{\circ} 52' 12''$  and a radius of 50.00 feet; thence along the arc of a curve concave  
to the East, a distance of 3.75 feet, said curve having a central angle of  
 $4^{\circ} 17' 52''$  and a radius of 50.00 feet; thence North  $42^{\circ} 47' 39''$  West, a distance  
of 801.73 feet; thence South  $44^{\circ} 58' 08''$  West, a distance of 128.10 feet; thence  
South  $47^{\circ} 12' 21''$  West, a distance of 185.00 feet; thence along the arc of a  
curve concave to the East, a distance of 23.56 feet, said curve having a  
central angle of  $99^{\circ} 00' 00''$  and a radius of 15.00 feet; thence South  $42^{\circ} 47' 39''$   
East along the Northeasterly line of said Sisk Road a distance of 809.17 feet  
to the point of beginning.

Containing 6.21 acres more or less.

**AMENDED**

on  
By Resolution 1992-627

WHEREAS, after public hearing held on August 15, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- a. Approval for a commercial complex of 60,000 sq. ft. on the subject site was approved as part of P-D(166).
- b. A 70,000 sq. ft. commercial complex would not overcrowd the site as still more than double the off-street parking spaces required by the Modesto Municipal Code.

WHEREAS, after a public hearing held on September 18, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Channel Investments, Inc. for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1774 -C.S. on the 18th day of September, 1978, reclassifying the above-described property which is a portion of Planned Development Zone, P-D(166) to Planned-Development Zone, P-D (200).

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 (200), is hereby approved in accordance with the plan titled "Commercial Development, Sisk Road, Modesto, Calif."

\_\_\_\_\_, as amended in red on its face, stamped and approved by the Planning Commission on August 15, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plot plan.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system. Screen landscaping shall be installed in the 10-foot wide landscaping strip along the east boundary of the project.
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.
6. That the applicant shall install 2 fire hydrants and the pipeline system therefor, in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed and operable prior to the occupancy of the premises.

7. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings as determined by the Director of Planning and Community Development.
8. That the entire east property line adjacent to residentially zoned property shall be developed with a 6-foot high decorative masonry wall.
9. That all outdoor lighting within the P-D Zone shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
10. That no operations conducted on the commercial portion of the project shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment located on the commercial portion of the project shall be sound-proofed in accordance with the requirements of the Director of Public Works.
11. That the developer shall dedicate an additional 12 feet of street right-of-way to complete Sisk Road to a major street standard either upon demand by the City or prior to occupancy, whichever occurs first.
12. That the developer shall improve Sisk Road to major street standards in accordance with the requirements of the Director of Public Works.
13. That the northerly public street be dedicated and improved to City standards as a minimum 40-foot wide part-width collector street, and the southerly street be dedicated and improved to City standards as a minimum 40-foot wide part-width cul-de-sac.
14. That public utility easements as required by the utility companies serving the development shall be dedicated.
15. That street barricades shall be constructed by the developer at the end of all dead-end streets as required by the City Engineer pursuant to improvement plans.
16. That sanitary sewer extension plans to serve the project shall be prepared by the developer's engineer and shall be in accordance with the specifications of the City Engineer.
17. All signs within the project shall comply with the H-1 sign regulations.
18. That prior to the issuance of a building permit, the developer shall submit street improvement plans prepared by a registered Civil Engineer for approval by the City Engineer.
19. That prior to the issuance of a building permit for any development, the developer shall pay to the City of Modesto the cost of planting street trees every 40 feet along the public streets, the total number to be determined by the Director of Public Works.
20. That all public improvements shall be installed prior to occupancy of the premises

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (200) :

That the construction project be accomplished in one phase with construction to commence on or before January 1, 1981, and be completed prior to January 1, 1982.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (200) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By Urban Parks  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-989

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 11-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO REZONING CERTAIN PROPERTY LOCATED THEREON. ( CHANNEL INVESTMENTS, INC.)

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WHEREAS, on September 18, 1978, the City Council adopted Ordinance No. 1774 C. S. giving approval to a project relating to an amendment to Section Map 11-3-8 of the Zoning Map of the City of Modesto to rezone a portion of property in Planned Development Zone, P-D (166) to Planned Development Zone, P-D(200)

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\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 11-3-8 of the Zoning Map of the City of Modesto to rezone a portion of property in Planned Development Zone, P-D(166) to Planned Development Zone, P-D(200)

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Meyor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-990

A RESOLUTION ORDERING THE WORK OF CONSTRUCTION OF  
IMPROVEMENTS ALONG CERTAIN STREETS IN THE CITY OF  
MODESTO

WHEREAS, Chapter 27 of Part 3 of Division 7 of the Streets and Highways Code of the State of California establishes a procedure pursuant to which the construction of certain improvements may be required, and

WHEREAS, the Council, did, on September 5, 1978, adopt its Resolution No. 78-957, ordering the installation of certain improvements along certain streets in the City of Modesto, as provided therein, and directing the Superintendent of Streets to give notice requiring the construction of such improvements, and

WHEREAS, the Council did by said resolution, set the 18th day of September, 1978, at 4:00 o'clock P.M., in the Council Chambers, as the time and place for a hearing for the purpose of passing upon objections or protests, if any, which may be raised by the property owners or other interested persons relating to the proposed work, and

WHEREAS, the Superintendent of Streets has caused notices to be given as directed by said Resolution No. 78-957, and

WHEREAS, at the time set for hearing the protests and objections, if any, to the proposed work, the said Council proceeded to hear the same,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. All protests and objections of any kind or nature whatsoever to the proposed work as set forth in the notices which are attached hereto, and incorporated by reference herein, are hereby overruled or denied.

SECTION 2. The Superintendent of Streets is hereby directed to proceed with the project as to the properties described in the attached notices in accordance with the provisions of Resolution No. 78-957 and Chapter 27, Part 3, of Division 7 of the Streets and Highways Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

- (a) Sidewalk at 1445 Del Vale Avenue, a portion of Block 6081. (John J. Brigham)
- (b) Sidewalk along Del Vale Avenue at 1600 Pearl Street, a portion of Block 6081. (Donald D. Hamilton)
- (c) Sidewalk along Del Vale Avenue at 1444 Del Vale Avenue, Lot 28 of Block 6080. (Ardell M. Hill)
- (d) Sidewalk along Del Vale Avenue at 1541 Cherrywood Drive, Lot 22 of Block 6023. (Dilwyn B. Studebaker)
- (e) Sidewalk along Del Vale Avenue at 1542 Maplewood Drive, Lot 1 of Block 6023. (George E. Wallace)
- (f) Sidewalk along Brady Avenue at 1224 Brady Avenue Lot 12 of Block 6004. (Paul C. Favour)
- (g) Sidewalk along Brady Avenue at 1212 Brady Avenue, Lot 29 of Block 6003. (Alfred R. Pope, Jr.)
- (h) Sidewalk at 1415 "F" Street, a portion of Block 115 (Cordia Ritter)
- (i) Curb along Melrose Avenue at 500 Palm Avenue, a portion of Block 664. (Helen Rubino)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-991

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND UNITED WAY FOR RENTAL OF ROOMS 101, 103, AND 105 AT THE MODESTO COMMUNITY SERVICE CENTER

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and United Way for rental of Rooms 101, 103, and 105 at the Modesto Community Service 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 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-992

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
SOUTHERN PACIFIC RAILROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Southern Pacific  
Railroad

for railroad signal relocation at Ninth Street 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 18th day of  
September, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-993

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
MCHENRY-DRY CREEK FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the McHenry-Dry Creek  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Oakdale-Floyd No. 2 Addition  
by Resolution No. 78-582 adopted on June 5, 19 78, and said  
annexation officially became a part of the City of Modesto on August 3, 19 78,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
McHenry-Dry Creek Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

BE IT FURTHER RESOLVED that Resolution No. 78-953 adopted by the Modesto City Council on September 5, 1978, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies,

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger,

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By R. A. Besnyard  
Public Works Department

OAKDALE-FLOYD NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Beginning at a point on the existing City Limits as established by the Eastern line of FLOYD ADDITION (259), as per description filed August 17, 1970, as Instrument 26194, Stanislaus County Records;

1. thence along the existing City Limits and the Eastern line of said ADDITION (259), North  $00^{\circ} 01' 18''$  East, 660.56 feet, to the Southern line of OAKDALE-FLOYD ADDITION (265), as per description filed January 5, 1971, as Instrument 192, Stanislaus County Records, and the center line of 40.00 foot Floyd Avenue;
2. thence continuing along the existing City Limits and said center line South  $89^{\circ} 23' 34''$  East, 1640.56 feet, to the center line of 100.00 foot Oakdale Road;
3. thence leaving the existing City Limits along Oakdale Road, South  $00^{\circ} 01' 26''$  West, 660.96 feet;
4. thence North  $83^{\circ} 22' 44''$  West, 1640.54 feet, to the point of beginning, containing 24.854 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-994

A RESOLUTION ANNEXING CERTAIN UNINHABITED TERRITORY  
DESCRIBED HEREIN AND DESIGNATED AS LAUREL AVENUE NO. 2  
ANNEXATION TO THE CITY OF MODESTO,  
WITHOUT NOTICE OR HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by all of the owners of land residing within territory in the County of Stanislaus requesting annexation of the Laurel Avenue No. 2 Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated August 30, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Municipal Organization Act of 1977, as amended, have been complied with.

2. The area or territory designated as the Laurel Avenue No. 2 Annexation to the City of Modesto is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 Completion in regard to the environmental impact of said annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

LAUREL AVENUE NO. 2 ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of the LAUREL AVENUE ADDITION (376), as per description filed June 28, 1978, as Instrument 82698, Stanislaus County Records;

1. thence continuing along the existing City Limits along the Western line of said ADDITION (376), South  $01^{\circ} 04' 30''$  West, 484.22 feet, to the South right-of-way line of the Modesto Irrigation District Lateral No. 4;
2. thence leaving the existing City Limits along the South right-of-way line of said Lateral No. 4, North  $73^{\circ} 15' 36''$  West, 146.73 feet;
3. thence continuing along the South right-of-way line of said Lateral No. 4, North  $85^{\circ} 49' 00''$  West, 351.05 feet, to the center line of Emerald Avenue;
4. thence along the center line of Emerald Avenue North  $00^{\circ} 31' 30''$  West, 425.44 feet, to the center line of Laurel Avenue;
- t. thence along the center line of Laurel Avenue, South  $88^{\circ} 57' 30''$  East, 503.69 feet, to the point of beginning, containing 5.064 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-995

A RESOLUTION ANNEXING CERTAIN UNINHABITED TERRITORY  
DESCRIBED HEREIN AND DESIGNATED AS COFFEE NO. 3  
ANNEXATION TO THE CITY OF MODESTO,  
WITHOUT NOTICE OR HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by all of the owners of land residing within territory in the County of Stanislaus requesting annexation of the Coffee No. 3 Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated July 26, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Municipal Organization Act of 1977, as amended, have been complied with.

2. The area or territory designated as the Coffee No. 3 Annexation to the City of Modesto is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 Completion in regard to the environmental impact of said annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

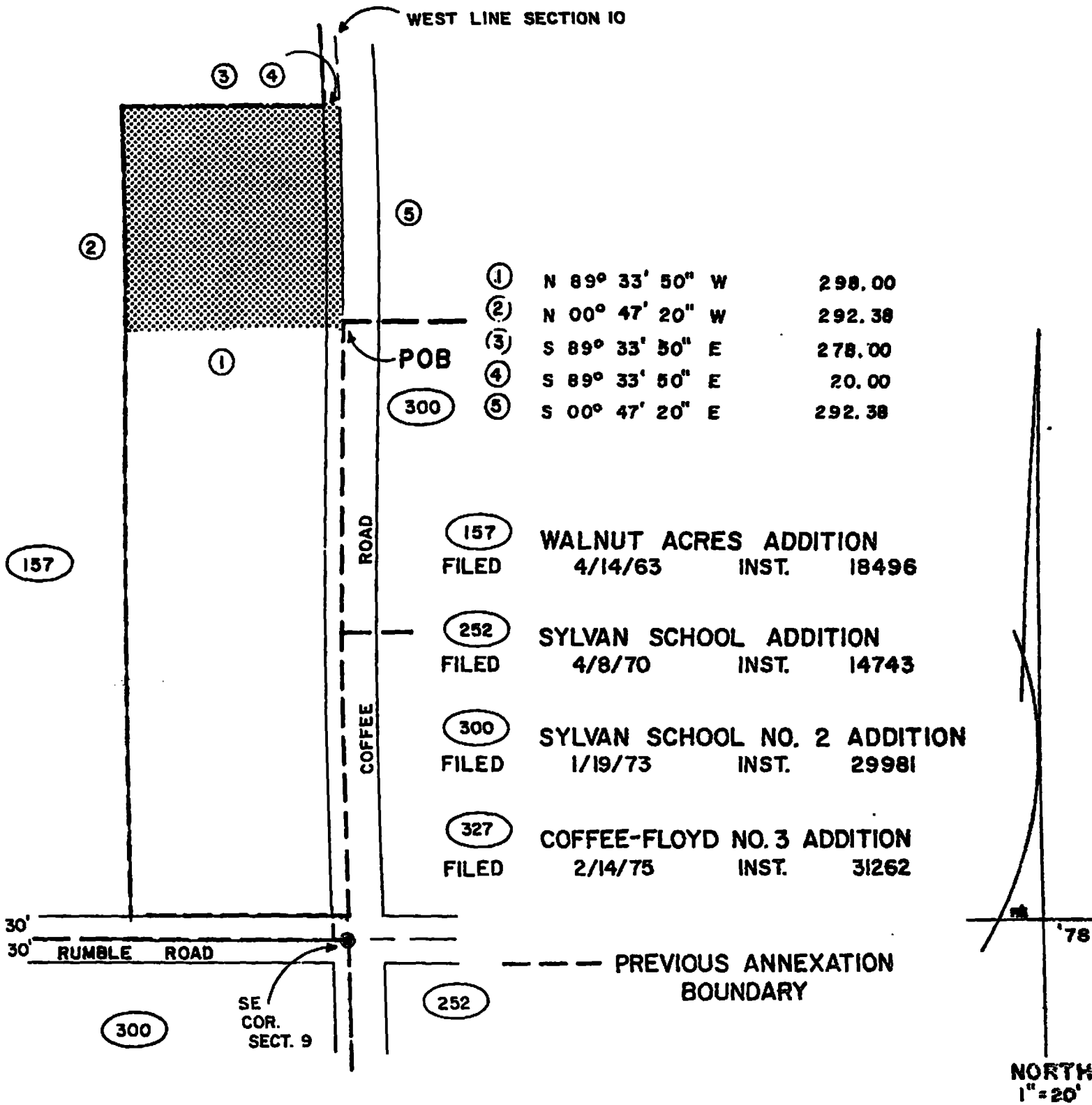
## COFFEE NO. 3 ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a point on the Western line of the SYLVAN SCHOOL NO. 2 ADDITION (300), as per description filed January 19, 1973, as Instrument 29981, Stanislaus County Records, said point being on the center line of 70.00 foot Coffee Road and the East line of Section 9;

1. thence leaving the existing City Limits, North  $89^{\circ} 33' 50''$  West, 298.00 feet, to an Eastern line of the WALNUT ACRES ADDITION (157), as per description filed April 14, 1963, as Instrument 18496, Stanislaus County Records;
2. thence along the existing City Limits along an Eastern line of said ADDITION (157), North  $00^{\circ} 47' 20''$  West, 292.38 feet;
3. thence continuing along the existing City Limits and a Southern line of said ADDITION (157), South  $89^{\circ} 33' 50''$  East, 278.00 feet, to the Western line of Coffee Road;
4. thence leaving the existing City Limits, South  $89^{\circ} 33' 50''$  East, 20.00 feet, to the center line of Coffee Road and the East line of Section 9;
5. thence along the center line of Coffee Road and the Eastern line of Section 9, South  $00^{\circ} 47' 20''$  East, 292.38 feet, to the point of beginning, containing 2.000 Acres, more or less.

WEST LINE SECTION 10



①	N 89° 33' 50" W	298.00
②	N 00° 47' 20" W	292.38
③	S 89° 33' 50" E	278.00
④	S 89° 33' 50" E	20.00
⑤	S 00° 47' 20" E	292.38

①57 WALNUT ACRES ADDITION  
FILED 4/14/63 INST. 18496

②52 SYLVAN SCHOOL ADDITION  
FILED 4/8/70 INST. 14743

③00 SYLVAN SCHOOL NO. 2 ADDITION  
FILED 1/19/73 INST. 29981

④27 COFFEE-FLOYD NO. 3 ADDITION  
FILED 2/14/75 INST. 31262

BASIS OF BEARING: S 00° 47' 20" E FOR THE CENTER LINE OF COFFEE ROAD, AS PER MAP FILED 5/20/1970 IN VOLUME 22 OF MAPS, PAGE 47, STANISLAUS COUNTY RECORDS.

# COFFEE NO. 3 ANNEXATION

## 2.000 ACRES

MK 8/31/78  
MK 7/12/78

5-A-379

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-996

A RESOLUTION ANNEXING CERTAIN UNINHABITED TERRITORY  
DESCRIBED HEREIN AND DESIGNATED AS SNYDER AVENUE  
ANNEXATION TO THE CITY OF MODESTO,  
WITHOUT NOTICE OR HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by all of the owners of land residing within territory in the County of Stanislaus requesting annexation of the Snyder Avenue Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated August 30, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Municipal Organization Act of 1977, as amended, have been complied with.
2. The area or territory designated as the Snyder Avenue Annexation to the City of Modesto is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 Completion in regard to the environmental impact of said annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

July 3, 1976  
SNYDER AVENUE ANNEXATION

All that property in the State of California, County of Stanislaus, being a portion of the North half of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VENEMAN ADDITION (337), as per description filed January 16, 1976, as Instrument 31886, Stanislaus County Records, said point being on the quarter section line of section 12;

1. thence along the existing City Limits and the Northern line of said ADDITION (337), South  $89^{\circ} 36' 20''$  West, 1604.85 feet;
2. thence leaving the existing City Limits, North  $00^{\circ} 00' 00''$ , 85.11 feet, to a point on a curve;
3. thence along a curve concave to the Southeast, having a Central Angle of  $89^{\circ} 36' 20''$ , a Radius of 15.00 feet, and an Arc Length of 23.46 feet;
4. thence North  $00^{\circ} 00' 00''$ , 1555.04 feet, to a point on the center line of 40.00 foot Snyder Avenue;
5. thence along the center line of Snyder Avenue, North  $89^{\circ} 37' 45''$  East, 1719.59 feet;
6. thence South  $00^{\circ} 00' 45''$  East, 530.00 feet;
7. thence South  $03^{\circ} 19' 09''$  West, 101.09 feet;
8. thence South  $08^{\circ} 22' 12''$  West, 100.00 feet;
9. thence South  $13^{\circ} 26' 31''$  West, 100.00 feet;
10. thence South  $18^{\circ} 19' 17''$  West, 180.00 feet;
11. thence South  $10^{\circ} 40' 11''$  West, 160.00 feet;
12. thence South  $00^{\circ} 00' 45''$  East, 500.00 feet, to the point of beginning, containing 62.062 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-997

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO TO ANNEX CERTAIN TERRITORY, HEREINAFTER DESCRIBED AND DESIGNATED AS THE EAST COOLIDGE NO. 2 ADDITION  
TO THE CITY OF MODESTO; AND  
AUTHORIZING AND DIRECTING THE CITY CLERK TO SUBMIT SUCH PROPOSAL TO THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. That the Council of the City of Modesto, for the reasons hereinafter set forth, hereby proposes proceedings to annex to the City of Modesto all of the territory hereinafter described, in accordance and in compliance with the provisions of the Municipal Organization Act, Part 2 of Division 2 of Title 4 of the Government Code of the State of California.

SECTION 2. That the Council's reasons for proposing said annexation proceedings are as follows: That the annexation of the hereinafter described territory will contribute to the orderly growth of the City and provide proper land use in conformity with the General Plan and the zoning regulations of the City of Modesto.

SECTION 3. That the territory which the Council proposes to annex is hereby identified as the East Coolidge No. 2 Addition  
to the City of Modesto as shown on the map attached hereto as Exhibit "A", and said territory consists of all that real property situate in the County of Stanislaus, State of California, more particularly described as follows:

## EAST COOLIDGE NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being portions of the Southwest quarter of Section 15 and the Northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeast corner of ROSE ACRES NO. 5 ADDITION (295), as per description filed August 15, 1972, as Instrument 6329, Stanislaus County Records, said point being the intersection of Briggsmore Avenue and Rose Avenue:

1. thence along the existing City Limits along Rose Avenue and the Western line of ROSE ACRES NO. 4 ADDITION (230), as per description filed May 2, 1969, as Instrument 15074, Stanislaus County Records, South  $00^{\circ} 40' 00''$  East, 76.96 feet, to the Northwestern corner of ROSE ACRES NO. 3 ADDITION (225), as per description filed January 24, 1969, as Instrument 2734, Stanislaus County Records;
2. thence continuing along the existing City Limits along said avenue and the Western line of said ADDITION (225), South  $00^{\circ} 40' 00''$  East, 643.78 feet, to the Northwest corner of KIENITZ ADDITION (179), as per description filed July 27, 1965, as Instrument 28973, Stanislaus County Records;
3. thence along the existing City Limits along said avenue and the Western line of said ADDITION (179), South  $00^{\circ} 40' 00''$  East, 346.35 feet, to the Northeastern corner of EAST ORANGEBURG NO. 5 ADDITION (271), as per description filed June 22, 1971, as Instrument 23063, Stanislaus County Records;
4. thence along the existing City Limits and the Northern line of said ADDITION (271), South  $89^{\circ} 50' 00''$  West, 1311.94 feet, to the Northwest corner of EAST ORANGEBURG NO. 4 ADDITION (270), as per description filed May 24, 1971, as Instrument 18983, Stanislaus County Records;
5. thence along the existing City Limits and the Northern line of said ADDITION (270), South  $89^{\circ} 52' 15''$  West, 1314.27 feet, to the center line of 90.00 foot Coffee Road;
6. thence along the existing City Limits along the center line of said road and an Eastern line of MEMORIAL HOSPITAL NORTH ADDITION (261), as per description filed November 4, 1970, as Instrument 36348, Stanislaus County Records, North  $00^{\circ} 30' 00''$  West, 329.35 feet, to the intersection of 90.00 foot Coffee Road and 60.00 foot East Coolidge Avenue and the Southwest corner of COFFEE-COOLIDGE ADDITION (358), as per description filed August 8, 1977, as Instrument 11260, Stanislaus County Records;
7. thence along the existing City Limits and said avenue along the Southern line of said ADDITION (358), North  $89^{\circ} 52' 00''$  East, 274.00 feet, to the intersection of the center lines of 60.00 foot East Coolidge Avenue and 50.00 foot Water Street and the Southeast corner of said ADDITION (358);
8. thence along the existing City Limits and 50.00 foot Water Street along the Eastern line of said ADDITION (358), North  $00^{\circ} 30' 00''$  West, 659.20 feet, to the Northern line of Section 22 and the Northwest corner of said ADDITION (358);

9. thence along the existing City Limits and along a Southern line of MEMORIAL HOSPITAL NORTH ADDITION (261), as per description filed November 4, 1970, as Instrument 36348, Stanislaus County Records, North  $89^{\circ} 49' 00''$  East, 1037.30 feet to a Southeastern corner of said ADDITION (261);
10. thence along the existing City Limits along an Eastern line of said ADDITION (261), North  $00^{\circ} 40' 00''$  West, 77.84 feet, to the North right-of-way line of M. I. D. Lateral No. 3 and the Southwest corner of ROSE ACRES NO. 5 ADDITION (295), as per description filed August 15, 1972, as Instrument 6329, Stanislaus County Records;
11. thence along the existing City Limits along the Southern line of said ADDITION (295), North  $89^{\circ} 50' 00''$  East, 1312.03 feet, to the point of beginning, containing 57.792 Acres, more or less.

SECTION 4. That the Council hereby makes application for and requests that proceedings be taken for annexation of the hereinabove described territory to the City of Modesto.

SECTION 5. That the attached "PLAN FOR PROVIDING SERVICES - EAST COOLIDGE NO. 2 ADDITION" marked Exhibit "B" is hereby submitted as the plan of the City of Modesto for providing services within the above described territory.

SECTION 6. That the City Clerk of the City of Modesto is hereby authorized and directed to submit to the Local Agency Formation Commission of the County of Stanislaus, State of California, on behalf of the Council of the City of Modesto, this Resolution of Application to annex to the City of Modesto the aforesaid territory in accordance with the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

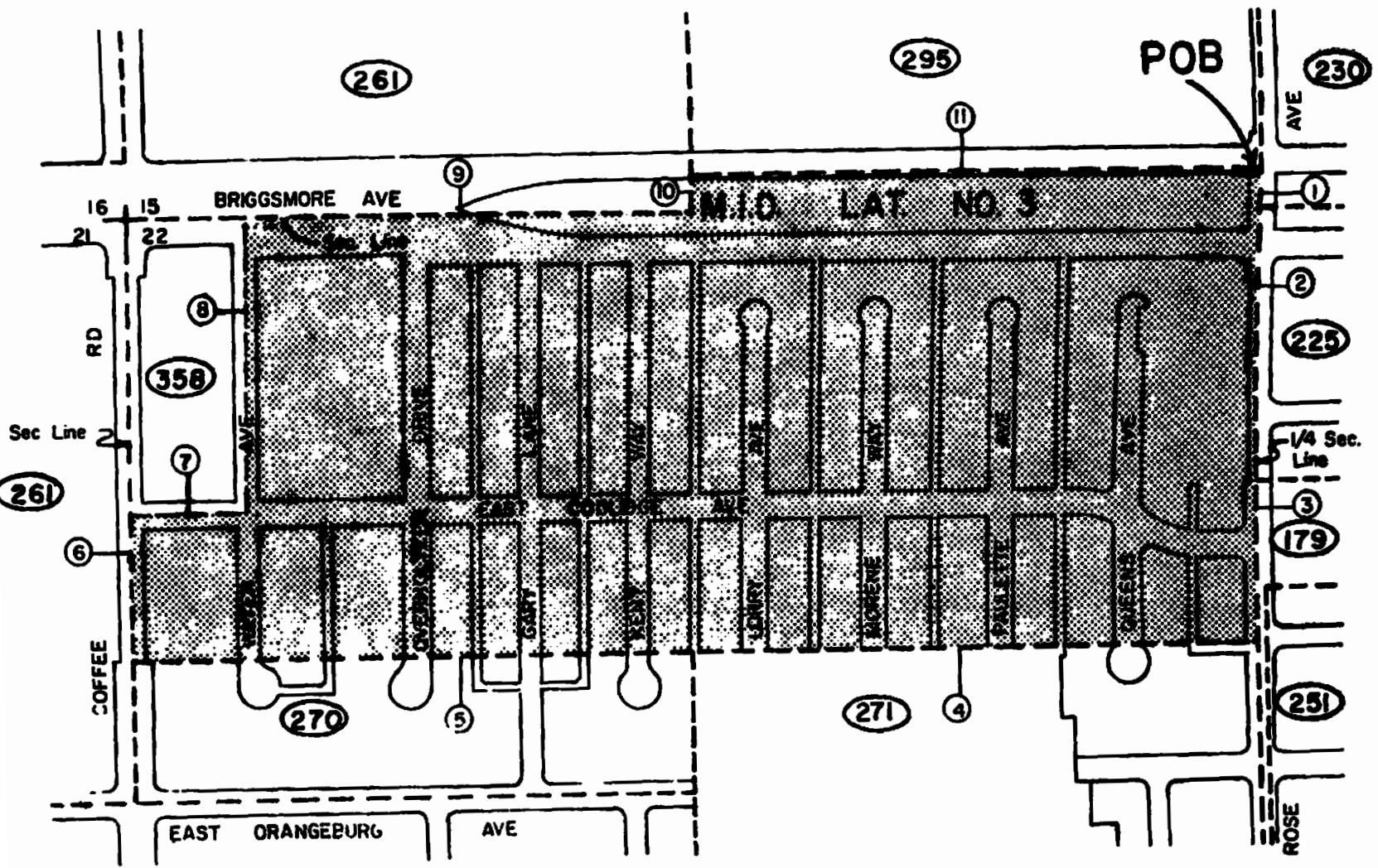
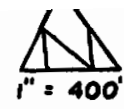
(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]  
Public Works Department



**(179) KIENITZ**  
Filed 7-27-65, Inst. 29973

**(225) ROSE ACRES NO. 3**  
Filed 1-24-69, Inst. 2734

**(230) ROSE ACRES NO. 4**  
Filed 5-2-69, Inst. 15074

**(251) GREENFIELD**  
Filed 4-17-70, Inst. 12047

**(261) MEMORIAL HOSPITAL NORTH**  
Filed 11-4-70, Inst. 36348

**(270) EAST ORANGEBURG NO. 4**  
Filed 5-24-71, Inst. 18983

**(271) EAST ORANGEBURG NO. 5**  
Filed 6-22-71, Inst. 23063

**(295) ROSE ACRES NO. 5**  
Filed 8-15-72, Inst. 6329

**(358) COFFEE-COOLIDGE**  
Filed 8-16-77, Inst. 11260

1. S 00° 40' 00" E	76.96
2. S 00° 40' 00" E	643.78
3. S 00° 40' 00" E	346.35
4. S 89° 50' 00" W	1311.94
5. S 89° 52' 15" W	1314.27
6. N 00° 30' 00" W	329.35
7. N 89° 52' 00" E	274.00
8. N 00° 30' 00" W	659.20
9. N 89° 49' 00" E	1037.30
10. N 00° 40' 00" W	77.84
11. N 89° 50' 00" E	1312.03

REFERENCES ARE TO STANISLAUS COUNTY RECORDS.

--- PREVIOUS ANNEX. BOUNDARY

# EAST COOLIDGE NO. 2 ADDITION

## 57.792 Acres.

EXHIBIT A

PLAN FOR PROVIDING SERVICES - EAST COOLIDGE NO. 2 ADDITION

Upon completion of annexation to the City of Modesto, the following services will be made available or extended to properties in the annexation area in the manner indicated:

1. **FIRE PROTECTION:** Upon annexation the property will be withdrawn from the McHenry-Dry Creek Fire Protection District and fire protection will be provided by the Modesto Fire Department. Primary fire response would come from Fire Station No. 3 at El Vista Avenue and Edgebrook Drive. This service would be extended upon the effective date of annexation.
  2. **POLICE PROTECTION:** Modesto City Police would assume responsibility for police protection upon the effective date of annexation.
  3. **GARDEN REFUSE PICKUP:** Weekly garden refuse pickup would be extended to the area upon the effective date of annexation. There is no separate charge for this service.
  4. **SANITARY SEWER SERVICE:** Currently 43 of the 180 parcels in the annexation area are connected to the City sewer system. The remaining parcels would be required to connect to the sewer system within two years from the time the sewer becomes available. The City of Modesto anticipates that an improvement district will be formed and that the sewer will become available to the parcels not yet connected within two years after the annexation is effective. The costs of connecting to the sewer may be financed as follows:
    - a. Actual construction of sewer laterals will be financed by the formation of an improvement district. Financing through improvement district bonds could be for 15 years.
    - b. Bond redemption fees and subtrunk charges can be financed by the City of Modesto for a period of two years at 7 percent simple interest. (Payable bimonthly with sewer bill.)
    - c. Remaining costs - The cost of actual connection of home to sewer plus approximately \$25.25 of miscellaneous fees, to be paid by property owner.
- The cost of connecting to the City sanitary sewer system will vary considerably. For those homes located west of the alley between Kent Way and Lorry Avenue, except those properties on Coffee Road, the total cost will be approximately \$3,000 per home. The cost to the remaining homes, including those properties on Coffee Road which already have a sewer lateral available, will run from \$950 to \$1,700. For those already connected to the sewer there will be a savings on their sewer service bill amounting to \$8.22 annually.
5. **WATER:** Water service to the area is currently provided by the Del Este Water Company. This service would continue upon annexation.
  6. **GARBAGE COLLECTION:** Garbage is presently collected from the annexation area by the Modesto Garbage Company. This company would continue the collection after annexation but at a slightly lower rate under the City franchise. The exact reduction would depend upon the level of service desired. (One-can pickup or two-can pickup.)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-998

A RESOLUTION APPROVING ISSUANCE OF A PURCHASE ORDER FOR MATERIALS TESTING ON THE OAKDALE ROAD RECONSTRUCTION PROJECT

WHEREAS, on August 7, 1978, the City Council awarded a contract to McGaw Company for the reconstruction of Oakdale Road from Scenic to Briggsmore; and

WHEREAS, it is necessary to test the materials that are used in this construction; and

WHEREAS, this testing will be done at various times during the duration of the contract depending on the scheduling and performance of the work, and for these reasons it is not possible to obtain fixed bids for this work and it is desirable to use a reliable professional laboratory which can schedule the work as needed; and

WHEREAS, the staff has negotiated with Western States Testing to perform this testing and estimate the work will cost \$9,500.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that issuance of a purchase order in the amount of \$9,500.00 to Western States Testing for materials testing on the Oakdale Road reconstruction project is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Elliott , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-999

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
CLOYCE LEON AND ELSIE E. HUNT FOR SEWER SERVICE TO PROPERTY OUTSIDE  
CITY LIMITS AT 2228 META COURT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Cloyce Leon Hunt  
and Elsie E. Hunt  
for sewer service to property outside City limits at 2228 Meta Court,  
located on the west side of Meta Court between Colfax Ave. and El Vista  
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 18th day of  
September, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1000

A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY  
CONCERNING HILLSBORO NORTH SUBDIVISION SEWER EASEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that October 9, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of a Hearing of Necessity concerning Hillsboro North Subdivision sewer easement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1978, by Councilmember Elliott, 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: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1001**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF AN APPEAL TO A DECISION OF THE PLANNING COMMISSION TO APPROVE THE PLOT PLAN SUBMITTED BY HOWARD CHENAULT FOR A TOWNHOUSE APARTMENT BUILDING ON DOUGLAS AVENUE (STEVAN A. AND JENNIE R. ZEFF)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that October 23, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal to a decision of the Planning Commission to approve the plot plan submitted by Howard Chenault for a townhouse apartment building on Douglas Avenue.


The foregoing resolution was introduced at a <sup>adjourned</sup> regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:**

  
JUDY C. HALL  
Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1002

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINE EXTENSION IN WEST UNION AVENUE, PRESCOTT ROAD AND UNION AVENUE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of waterline extension in West Union Ave., Prescott Rd. and Union Ave. 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 10, 1978, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

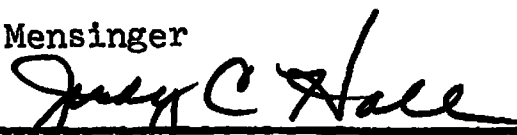
The foregoing resolution was introduced at a <sup>adjourned</sup> regular meeting of the Council of the City of Modesto held on the 28th day of September, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:**

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1003

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINES IN SISK ROAD**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of waterlines in Sisk 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 October 10, 1978, at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at <sup>adjourned</sup> a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

  
JUDY C. HALL, Acting City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1004**

**A RESOLUTION ACCEPTING THE BID OF WILLIAM M. MINENI FOR REMODELING  
OF THE SENIOR CITIZENS CENTER**

**WHEREAS, Resolution No. 78-846 , adopted by the Council of the  
City of Modesto on August 14, 1978 , approved the plans and speci-  
fications for the remodeling of the Senior Citizens Center**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the remodeling of the Senior  
Citizens Center  
were opened at 2:05 p.m. on September 12, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of William M. Mineni in the amount of \$230,297**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of William M. Mineni in the amount of \$230,297**

**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<sup>adjourned</sup> regular meeting of  
the Council of the City of Modesto held on the 28th day of September,**

19 78, by Councilmember Siefkin, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

  
JUDY C. HALL, Acting City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1005**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR PUBLIC IMPROVEMENTS - HOUSING TARGET AREA NO. 2**

**WHEREAS, Resolution No. 78-845 , adopted by the Council of the City of Modesto on August 14, 1978 , approved the plans and specifications for the public improvements - Housing Target Area No. 2**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the public improvements - Housing Target Area No. 2 were opened at 11:00 a.m. on August 29, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of George Reed, Inc. in the amount of \$99,782.25**

**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 \$99,782.25**

**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 <sup>adjourned</sup> a/regular meeting of the Council of the City of Modesto held on the 28th day of September,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:**

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

CLERK'S CERTIFICATE

I, Judy C. Hall Acting, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at an<sup>adjourned</sup> regular meeting of said Council duly and regularly and legally called and held on due notice on September 26, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Siefkin, seconded by Councilmember Lang, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: September 29, 1978

  
Acting City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1006

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (ORANGEBURG-CLAUS NO. 2)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on August 7, 1978, duly adopted Resolution No. 78-818 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 181 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming Monday, September 25, 1978, at the hour of 7:30 p.m., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, as the time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and Safety Code Section 4600, et seq., hereinafter called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, at the time and place at which said hearing was set, said hearing was continued to Thursday, September 28, 1978, at the hour of 7:30 p.m., and

WHEREAS, on Thursday, September 28, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 181 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 181 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 181, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 181, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a <sup>adjourned</sup>/regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Siefkin.

who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ron Campbell  
Public Works Department

ORANGEBURG - CLAUS NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of Section 23 and the Northeast quarter of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of ORANGEBURG - CLAUS ADDITION (362), as per description filed November 8, 1977, as Instrument 30228, Stanislaus County Records;

1. thence along the existing City Limits and Western line of said ADDITION (362), South 00° 47' 00" East, 661.18 feet, to the intersection of the center lines of Claus Road and East Orangeburg Avenue and the Northeastern corner of SPRING CREEK ADDITION (325), as per description filed January 15, 1975, as Instrument 26879, Stanislaus County Records;
2. thence continuing along the existing City Limits along the center line of 50.00 foot East Orangeburg Avenue, and the Northern line of said ADDITION (325), South 89° 21' 00" West, 1210.20 feet, to the Northeastern corner of EAST ORANGEBURG NO. 7 ADDITION (352), as per description filed January 20, 1977, as Instrument 41857, Stanislaus County Records;
3. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (352), South 89° 21' 00" West, 881.00 feet, to a Northeastern corner of EAST ORANGEBURG NO. 6 ADDITION (331), as per description filed May 8, 1975, as Instrument 43098, Stanislaus County Records;
4. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (331), South 89° 21' 00" West, 200.99 feet, to the Northwestern corner of ORANGEBURG - FRANSEN ADDITION (365), as per description filed December 30, 1977, as Instrument 43098, Stanislaus County Records;
5. thence continuing along the existing City Limits along said avenue and the Northern line of said ADDITION (365), South 89° 21' 00" West, 328.06 feet, to a Southeastern corner of LAKEWOOD NO. 1 ADDITION (292), as per description filed June 9, 1972, as Instrument 23377, Stanislaus County Records;
6. thence continuing along the existing City Limits along an Eastern line of said ADDITION (292), North 00° 53' 10" West, 1193.86 feet to the center line of 120.00 foot East Briggsmore Avenue;
7. thence continuing along the existing City Limits along said center line and a Northern line of said ADDITION (292), South 89° 34' 30" West, 2622.06 feet, to a Northeastern corner of ORANGEBURG - LAKEWOOD NO. 2 ADDITION (339), as per description filed February 4, 1976, as Instrument 35052, Stanislaus County Records;

8. thence continuing along the existing City Limits along said center line and the Northern line of said ADDITION (339), North  $89^{\circ} 41' 20''$  West, 657.10 feet, to the Northeastern corner of ORANGEBURG - EAST-RIDGE ADDITION (308), as per description filed August 17, 1973, as Instrument 6631, Stanislaus County Records;
9. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $89^{\circ} 41' 20''$  West, 939.87 feet, to a point on a curve;
10. thence continuing along the existing City Limits along a curve concave to the Northwest, having a Central Angle of  $7^{\circ} 25' 35''$ , a Radius of 1200.00 feet, and an Arc Length of 155.43 feet;
11. thence continuing along the existing City Limits and the Northern line of said ADDITION (308), North  $82^{\circ} 15' 45''$  West, 222.06 feet, to a Northeastern corner of ORANGEBURG - SONOMA NO. 2 ADDITION (326), as per description filed January 15, 1975, as Instrument 26890, Stanislaus County Records;
12. thence continuing along the existing City Limits and a Northern line of said ADDITION (326), North  $82^{\circ} 15' 35''$  West, 1326.50 feet;
13. thence continuing along the existing City Limits and the Western line of said ADDITION (326), South  $00^{\circ} 14' 00''$  East, 1400.75 feet, to the center line of 60.00 foot East Orangeburg Avenue and a Northern line of SONOMA NO. 3 ADDITION (285), as per description filed April 26, 1972, as Instrument 16760, Stanislaus County Records;
14. thence continuing along the existing City Limits along said center line and Northern line of said ADDITION (285), North  $89^{\circ} 27' 15''$  West, 657.05 feet, to a Southeastern corner of OLD OAKDALE NO. 2 ADDITION (301), as per description filed March 5, 1973, as Instrument 37469, Stanislaus County Records;
15. thence continuing along the existing City Limits and an Eastern line of said ADDITION (301), North  $00^{\circ} 13' 53''$  West, 1539.53 feet, to the Northeastern corner of said ADDITION (301), and the North right-of-way line of 120.00 foot East Briggsmore Avenue;
16. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $32^{\circ} 27' 05''$  West, 748.59 feet;
17. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), North  $82^{\circ} 23' 04''$  West, 263.85 feet, to a point on a curve;
18. thence continuing along the existing City Limits along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 403.10 feet, and an Arc Length of 248.37 feet;

19. thence continuing along the existing City Limits and a Northern line of said ADDITION (301), South  $62^{\circ} 18' 44''$  West, 78.75 feet, to the center line of 100.00 feet Orville Road and an Eastern line of ROSE ACRES NO. 4 ADDITION (230), as per description filed May 2, 1969, as Instrument 15074, Stanislaus County Records;
20. thence continuing along the existing City Limits along an Eastern line of said ADDITION (230), North  $00^{\circ} 26' 45''$  West, 78.73 feet, to the center line of the 140.00 foot Modesto Irrigation District Lateral No. 3;
21. thence leaving the existing City Limits, along the center line of M.I.D. Lateral No. 3, North  $62^{\circ} 18' 44''$  East, 42.71 feet, to a point on a curve;
22. thence continuing along the center line of M.I.D. Lateral No. 3 along a curve concave to the Southwest, having a Central Angle of  $35^{\circ} 18' 12''$ , a Radius of 473.10 feet, and an Arc Length of 291.51 feet;
23. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 23' 04''$  East, 263.85 feet;
24. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 27' 05''$  East, 2064.13 feet;
25. thence continuing along M.I.D. Lateral No. 3, South  $82^{\circ} 19' 00''$  East, 986.29 feet;
26. thence continuing along M.I.D. Lateral No. 3, South  $89^{\circ} 45' 00''$  East, 1651.06 feet;
27. thence leaving the center line of M.I.D. Lateral No. 3, South  $00^{\circ} 14' 00''$  East, 12.17 feet, to the Southeast corner of Section 14;
28. thence along the Northern line of Section 24, North  $89^{\circ} 21' 09''$  East, 5244.78 feet, to the Northeast corner of Section 24;
29. thence along the Eastern line of Section 24, South  $00^{\circ} 47' 00''$  East, 661.18 feet, to the point of beginning, containing 122.655 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1007

A RESOLUTION DECLARING THAT A SUFFICIENT PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS MAZE-EMERALD NO. 2 ANNEXATION TO THE CITY OF MODESTO AND ORDERING THE ANNEXATION OF SAID TERRITORY.

WHEREAS, by Resolution No. 78-831, adopted on August 7, 1978, the Council of the City of Modesto initiated proceedings to annex to the City of Modesto certain uninhabited territory known as Maze-Emerald No. 2 Annexation to the City of Modesto, and

WHEREAS, by said Resolution No. 78-831, the Council fixed the 25th day of September, 1978, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto as the time and place for hearing protests against said annexation, and

WHEREAS, a copy of said Resolution No. 78-831 was duly published in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and in the County of Stanislaus, and being the official newspaper of the City of Modesto, said publications being completed at least fifteen (15) days prior to the date set for the hearing, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, on the 25th day of September, 1978, at said time and place said public hearing was continued to the 28th day of September, 1978, at the hour of 7:30 o'clock p.m., and

WHEREAS, on the 28th day of September, 1978, at the hour of 7:30 o'clock p.m., in the Council Chambers at the City Hall, 801 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation, and

WHEREAS, written protests have not been filed by the owners of fifty (50%) percent of the total assessed value of land and improvements within the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and

private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated July 26, 1978, ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All of the requirements of the Municipal Organization Act of 1977, as amended, have been complied with.

2. The area or territory designated as the Maze-Emerald No. 2 Annexation to the City of Modesto, is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate

of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 said annexation.

adjourned

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Pass Campbell  
Public Works Department

All that real property in the State of California, County of Stanislaus, being a portion of the South half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of the MAZE-EMERALD ADDITION (288), as per description filed May 3, 1972, as Instrument 17665, Stanislaus County Records, said point being on the Northern line of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point also being on the center line of a 40 foot public road known as North Emerald Avenue and on the Northern line of Maze Boulevard;

1. thence along the existing City Limits and the Eastern boundary of ADDITION (288), North  $00^{\circ}31'30''$  West, 720.67 feet, to the Southern line of 100 foot Modesto Irrigation District Lateral No. 4 Right of Way;

2. thence leaving the existing City Limits and along said Southern line, South  $85^{\circ}52'30''$  East, 362.35 feet;

3. thence continuing along said Southern line, South  $73^{\circ}11'30''$  East, 440.60 feet, to the Northwestern corner of the CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;

4. thence along the existing City Limits and the Western boundary of ADDITION (103), South  $00^{\circ}14'30''$  West, 570.44 feet, to the Northern line of ADDITION (70);

5. thence along said Northern boundary, North  $89^{\circ}45'30''$  West, 774.19 feet, to the point of beginning, containing 11.938 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1008

A RESOLUTION DECLARING THAT A SUFFICIENT PROTEST HAS NOT BEEN MADE AGAINST THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY TO THE CITY OF MODESTO KNOWN AS VINE STREET NO. 2 ANNEXATION TO THE CITY OF MODESTO AND ORDERING THE ANNEXATION OF SAID TERRITORY.

WHEREAS, by Resolution No. 78-832, adopted on August 7, 1978, the Council of the City of Modesto initiated proceedings to annex to the City of Modesto certain uninhabited territory known as Vine Street No. 2 Annexation to the City of Modesto, and

WHEREAS, by said Resolution No. 78-832, the Council fixed the 25th day of September, 1978, at the hour of 7:30 o'clock P.M., in the Council Chambers at the City Hall, located at 801 11th Street in the City of Modesto as the time and place for hearing protests against said annexation, and

WHEREAS, a copy of said Resolution No. 78-832 was duly published in The Modesto Bee, a newspaper of general circulation, published in the City of Modesto and in the County of Stanislaus, and being the official newspaper of the City of Modesto, said publications being completed at least fifteen (15) days prior to the date set for the hearing, and

WHEREAS, the City Clerk has given notice to all persons legally entitled thereto, in the manner required by law, and

WHEREAS, on the 25th day of September, 1978, at said time and place said public hearing was continued to the 28th day of September, 1978, at the hour of 7:30 o'clock p.m., and

WHEREAS, on the 25th day of September, 1978, at the hour of 7:30 o'clock p.m., in the Council Chambers at the City Hall, 801 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation, and

WHEREAS, written protests have not been filed by the owners of fifty (50%) percent of the total assessed value of land and improvements within the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and

private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by Resolution dated July 26, 1978, ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All of the requirements of the Municipal Organization Act of 1977, as amended, have been complied with.

2. The area or territory designated as the Vine Street No. 2 Annexation to the City of Modesto, is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate

of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 said annexation.

adjourned

The foregoing resolution was introduced at a/regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

All that property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VINE ADDITION (257), as per description filed August 6, 1970, as Instrument 25008, Stanislaus County Records, said point being on the center line of 60.00 foot South Franklin Street;

1. thence along the existing City Limits and the Northern line of said ADDITION (257), South  $89^{\circ} 59' 00''$  West, 351.00 feet;
2. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 140.00 feet;
3. thence along the existing City Limits and a Southern line of said ADDITION (257), North  $39^{\circ} 59' 00''$  East, 165.00 feet;
4. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 130.00 feet, to the Northeast corner of the CALIFORNIA-FRANKLIN ADDITION (108), as per description filed May 25, 1960, as Instrument 14995, Stanislaus County Records;
5. thence along the existing City Limits and the Northern line of said ADDITION (108), South  $89^{\circ} 59' 00''$  West, 479.68 feet, to the center line of 50.00 foot Briggs Ditch;
6. thence leaving the existing City Limits and continuing along the center line of said ditch, North  $00^{\circ} 10' 00''$  East, 327.05 feet;
7. thence North  $89^{\circ} 58' 30''$  East, 665.68 feet, to the center line of 60.00 foot Franklin Street and the Western line of the original corporate City Limits;
8. thence South,  $00^{\circ} 10' 00''$  West, 57.05 feet, to the point of beginning, containing 3.315 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1009

A RESOLUTION ACCEPTING IMPROVEMENTS IN LINCOLN SQUARE NO. 5 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, the First California Mortgage Company, subdividers of Lincoln Square No. 5 Subdivision, have filed subdivision Bonds for faithful performance and labor and materials in the amount of \$101,300 and \$50,650 respectively to guarantee improvements in Lincoln Square No. 5 Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated Sept. 18, 1978, 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 Lincoln Square No. 5 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$101,300 upon recording of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$50,650 upon expiration of the statutory period.

adjourned

The foregoing resolution was introduced at a/regular meeting of the Council of the City of Modesto held on the 28th day of Sept., 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:** Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1010

A RESOLUTION ACCEPTING IMPROVEMENTS IN LINCOLN SQUARE NO. 7 SUBDIVISION  
AND AUTHORIZING RELEASE OF INSTRUMENTS OF CREDIT

WHEREAS, Bomberger Brothers, Inc.,  
subdividers of Lincoln Square No. 7 Subdivision have filed Instruments of  
Credit for faithful performance and labor and materials in the  
amount of \$260,000 and \$130,000 respectively to guarantee improvements  
in Lincoln Square No. 7 Subd. ; and

WHEREAS, the Director of Public Works in a memorandum dated  
Sept. 18, 1978 , 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 Instruments of / <sup>Credit</sup> upon expiration of  
the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto:

1. The Improvements in Lincoln Square No. 7 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Instrument of Credit for faithful performance in the amount of \$260,000 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Instrument of Credit for labor and materials in the amount of \$130,000 upon expiration of the statutory period.

The foregoing resolution was introduced at a <sup>adjourned</sup> regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin; Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:** July C. Hall  
JULY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1011

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND M.E. GROVER TO HARVEST OLIVES FROM CITY-OWNED TREES LOCATED ON MELLIS PARK, FRANKLIN AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and M.E. Grover for harvesting olives from City-owned trees located on Mellis Park, Franklin 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 <sup>adjourned</sup> regular meeting of the Council of the City of Modesto held on the 28th day of September, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1012

SUPPLEMENTAL

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
STATE OF CALIFORNIA FOR EXPENDITURE OF FEDERAL AID FUNDS

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and State of  
California  
for expenditure of Federal Aid Funds for the reconstruction of  
Standiford Avenue from Tully to 300' west of Carver 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 <sup>adjourned</sup> regular meeting  
of the Council of the City of Modesto held on the 28th day of  
September, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1013

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR INSTALLATION OF CROSSING GATES AT STODDARD AND WOODROW CROSSINGS OF TIDEWATER SOUTHERN RAILWAY**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and State of California for installation of crossing gates at Stoddard and Woodrow crossings of Tidewater Southern Railway be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a <sup>adjourned</sup> regular meeting of the Council of the City of Modesto held on the 28th day of September, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:** Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1014

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
ALOMA LACKEY FOR THE PARKVIEW GUESTHOME AT 1343 LEGION PARK DRIVE

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Aloma Lackey

for the Parkview Guesthome at 1343 Legion Park Drive

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated city officials be authorized.

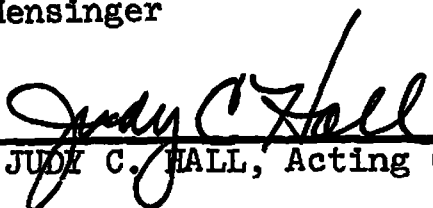
The foregoing resolution was introduced at a <sup>adjourned</sup> regular meeting  
of the Council of the City of Modesto held on the 28th day of  
September, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1015

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
ERLAND W. AND ESTHER L. JOHNSON FOR SEWER SERVICE TO PROPERTY OUTSIDE  
CITY LIMITS AT 1442 QUEENS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that the agreement between the City of Modesto and Erland W. and  
Esther L. Johnson  
for sewer service to property outside City limits at 1442 Queens,  
located on the east side of Queens Ave. between E. Coolidge Ave. and  
E. Orangeburg Ave.  
be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a <sup>adjourned</sup> regular meeting  
of the Council of the City of Modesto held on the 28th day of  
September, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:** Judi C. Hall  
JUDI C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 1016

A RESOLUTION RESCINDING RESOLUTION OF NECESSITY  
FOR ACQUISITION OF RIGHT-OF-WAY FOR CLAUS-  
YOSEMITE TO BRIGGSMORE PROJECT. (HORN  
CONSTRUCTION CO.)

WHEREAS, on August 28, 1978, the Council of the City of Modesto by Resolution No. 78-928, adopted a Resolution of Necessity to acquire the following described real property in eminent domain proceedings for purposes of the Claus Road-Yosemite to Briggsmore Street Widening Project:

All that portion of the South half of the Northwest quarter of the Northwest quarter of Section 19, Township 3 South, Range 10 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Southwestern corner of said Northwest quarter of the Northwest quarter of Section 19; thence along the South line of the Northwest quarter of the Northwest quarter of Section 19, South 89° 46' 30" East, 25.00 feet, to a point on the Eastern line of former 50.00 foot wide Claus Road and the true point of beginning of this description; thence continuing South 89° 46' 30" East, 15.00 feet, to a point on a line which is parallel with and 40.00 feet, measured at right angles, Easterly from the West line of said Section 19; thence along said parallel line, North 00° 16' 34" West, 100.22 feet; thence Northerly along a tangent curve concave to the East, having a Radius of 4950.00 feet; a Central Angle of 2° 33' 45" and an Arc Length of 221.38 feet, to a point of reverse curve from which point a radial line bears North 87° 42' 49" West; thence Northerly along said reverse curve concave to the West, having a Radius of 5050.00 feet, a Central Angle of 2° 33' 45" and an Arc length of 225.84 feet, to its point of tangency on a line which is parallel with and 50.00 feet, measured at right angles, Easterly from the West line of Section 19; thence along said last mentioned parallel line, North 00° 16' 34" West, 113.38 feet, to the Northern line of the South half of the Northwest quarter of the Northwest quarter of Section 19; thence along said Northern line, North 89° 06' 33" West, 25.00 feet, to the Eastern line of former 50.00 foot wide Claus Road; thence along said Eastern line of 50.00 foot wide Claus Road, South 00° 16' 34" East, 661.08 feet, to the point of beginning,

and

WHEREAS, subsequent to the date of adoption of said Resolution of Necessity, and on September 18, 1978, an agreement was entered into between Horn Construction Co., the owner of the real property described above, and representatives of the City of Modesto, wherein Horn Construction Co. agreed to sell, and the City of Modesto agreed to purchase, said real property, and

WHEREAS, the aforementioned agreement has been fully executed by Horn Construction Co., and may now be executed by the City Manager of the City of Modesto upon the adoption of a resolution of the Council approving said agreement, and

WHEREAS, the aforementioned agreement will render acquisition of the subject real property through eminent domain proceedings unnecessary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 78-928, entitled "RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES INCLUDING THE ACQUISITION OF RIGHT-OF-WAY FOR THE CLAUS ROAD-YOSEMITE TO BRIGGSMORE PROJECT (HORN CONSTRUCTION CO.)" adopted by this Council on August 28, 1978, is hereby rescinded.

The foregoing resolution was introduced at an adjourned regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978,

by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C Hall  
JUDY HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1017

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES HORN CONSTRUCTION COMPANY FOR THE PURCHASE OF 0.305+ ACRES OF RIGHT OF WAY NEEDED FOR CLAUS ROAD - YOSEMITE TO BRIGGSMORE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and James Horn Construction Company for the purchase of 0.305+ acres of right of way needed for Claus Road - Yosemite to Briggsmore project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

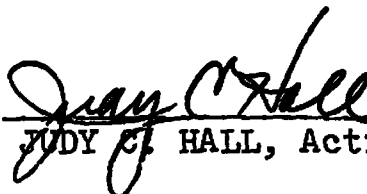
The foregoing resolution was introduced at a <sup>adjourned</sup> regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1018

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND ERNEST M. TREFREN AND GRACE E. SILVEN FOR THE PURCHASE OF 0.085+ ACRES OF RIGHT OF WAY NEEDED FOR THE ORANGEBURG-COLLIER TO COFFEE PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Ernest M. Trefren and Grace E. Silven for the purchase of 0.085+ acres of right of way needed for the Orangeburg-Collier to Coffee project is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

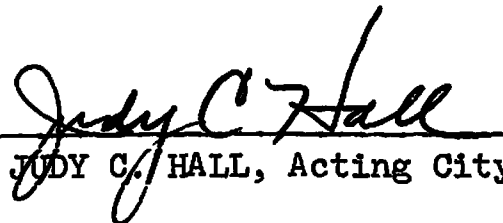
The foregoing resolution was introduced at a/regular meeting adjourned of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 1019

A RESOLUTION ADOPTING A REVISED AFFIRMATIVE ACTION PROGRAM FOR THE CITY OF MODESTO AND DIRECTING THE CITY MANAGER TO IMPLEMENT SAID PROGRAM, AND RESCINDING RESOLUTION NO. 77-652.

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, color, religion, sex, or national origin, 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 Program for the City of Modesto dated September, 1978, a copy of which is marked Exhibit "A" and attached hereto, and

WHEREAS, said revised Affirmative Action Program is designed to involve nine (9) persons instead of seven (7) in an Affirmative Action Committee. The City Manager is to appoint three (3) department heads and four (4) employees who represent minorities and female employees in varied job classifications, for three (3) year terms; and shall also appoint two (2) city residents who are qualified to represent the minority or disadvantaged person's views, for terms of three (3) years. This committee shall be a resource and advisory group to the City Manager. The committee members shall select a chairman and all members shall have equal voting rights, and

WHEREAS, this Council desires to adopt and implement said revised Affirmative Action Program,

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, color, religion, sex, or national origin and that said principle be achieved through an Affirmative Action Program.

BE IT FURTHER RESOLVED that the Affirmative Action Program of the City of Modesto dated September, 1978, submitted by the City Manager, a copy of which is marked Exhibit "A" and attached hereto, is hereby adopted as the Affirmative Action Program for the City of Modesto, and the City Manager is hereby directed to take the necessary steps to implement said program.

BE IT FURTHER RESOLVED that Resolution No. 77-652 adopted June 20, 1977, is hereby rescinded.

The foregoing resolution was introduced at an adjourned regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

AFFIRMATIVE ACTION PROGRAM

September, 1978

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Exhibit "A"

## Policy

1. 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 must be afforded to all persons regardless of race, creed, color, age, religion, sex, or national origin, handicap or political affiliation or beliefs. In order to achieve equal employment opportunities the City of Modesto will establish a positive goal oriented program to achieve the objectives. Further, that such goal opportunities shall apply in hiring, compensation, promotion, benefits, terms, conditions, and privileges of employment.
2. The City recognizes that 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.

## Objectives

1. To remove artificial, arbitrary, or unnecessary barriers to employment and thereby increase opportunities for employment. To achieve quality of employment opportunities for all qualified persons.
2. To achieve a ratio of minority and disadvantaged and other persons in City employment at all levels and in all categories that approximates the corresponding percentages of minority and disadvantaged persons within the total City population.
3. To carry Affirmative Action beyond hiring, especially into the areas of training and education, so that personal development and promotions may occur.
4. To involve nine persons in an Affirmative Action Committee. The City Manager is to appoint three department heads and four employees who represent minorities and female employees in varied job classifications for three-year terms, and shall also appoint two City residents who are qualified to represent the minority or disadvantaged person's view, for terms of three years. This committee shall be a resource and advisory group to the City Manager. The committee members shall select a chairman and all members shall have equal voting rights.
5. In order to accomplish the above objectives, the City of Modesto will display this affirmative action program at conspicuous work locations throughout the City.
6. To assure that each private contractor is in compliance with Executive Order No. 11246 and to offer equal opportunity for minority entrepreneurs to compete for contracts and subcontracts with the City of Modesto and those businesses contacting to supply goods and sources to the City.

1. The City Manager is responsible for the overall coordination, implementation, and interpretation of the Affirmative Action Program and to receive, review, and determine appropriate action on recommendations received from Affirmative Action Committee.
2. The Director of Management Services is responsible for reviewing and implementing segments of the Program that deal with the merit system rules and regulations, and making available the plan to the public.
3. All department heads are responsible for reviewing the job classification structure of their respective departments in regards to education, experience, and skills required. The purpose of this review is to eliminate requirements that are non-essential. In addition, all departments shall continue to improve training, performance reviews, and exit interviews to meet current needs. All department heads will report on the Program's development in their areas of responsibility to the City Manager.
4. All management and supervisory personnel are to give this policy full support through leadership and personal example. Further such personnel will be responsible for implementing and publicizing the policies of the Affirmative Action Program, for example putting an Affirmative Action motto on City stationery, and to make every effort to insure that goals are achieved. Also, they must involve all employees in providing solutions to any problems that arise in the program.
5. The Affirmative Action Committee shall present ideas, recommendations, and plans for Affirmative Action to obtain and maintain the established goals to the City Manager. Also, the Committee shall define and identify minority and disadvantaged groups.
6. The Director of Management Services shall review present personnel policies and procedures. Any corrective action that is deemed necessary shall be submitted to the City Manager. Also, a continuing employment ethnic census will be made and the results are to be used in setting goals and to evaluate the program. The census is not a quota system but will merely indicate guidelines.
7. Responsibility of the Personnel Department to give to all employees a copy of the City of Modesto's Affirmative Action program.
8. The Personnel Department will distribute to all regular recruitment sources a copy of the City's Affirmative Action program. Also, the Department will make copies of the Affirmative Action program available to the public.

with the bid certification, a guarantee of compliance with the Affirmative Action Program of the City and all federal and state laws and regulations relating to equal opportunity employment.

10. It will be the responsibility of the Personnel Office to conduct or have conducted validation studies of the recruitment requirements for entry level Police and Fire positions. Such validation studies will indicate where there are artificial barriers that impede minorities from being hired at the entry level.
11. The Personnel Office will identify those positions where the training provision of the Affirmative Action Plan apply and those positions where it does not apply.
12. The Personnel Office will post posters of non-discrimination in conspicuous work locations throughout the City. The posters will be posted so as to be easily seen by the public and City employees.

#### Evaluation

1. The Affirmative Action Officer and Affirmative Action Committee shall continuously monitor progress of program and report progress to the City Manager.
2. The City Manager will submit an annual report of the Program to the City Council.

## Utilization Analysis

In keeping with the essence and intent of Executive Order No. 11246 (as amended by Executive Order No. 11375), the City of Modesto will analyze the relationship between the labor market and the City work force to determine where (according to EEO4 categories) there is a underutilization of minorities. Where the City of Modesto has found there to be a underutilization of women and minorities, the City has established goals and timetables to remedy the situation. (Please see appendix.)

## Hiring

The hiring practices under the Affirmative Action Program will attempt to interest more minorities in the employment possibilities offered by the City of Modesto. Although the City's current minority employment profile is not far from being at the desired distribution level, a special effort has been put forward in the past, and will continue in the future, in order to attract minorities.

Notice of employment opportunities reach the minority communities via various media. For example, advertisements have been and will continue to be placed in local newspapers, on local television and radio (including Spanish speaking). All advertisements will include the statement that the City of Modesto is an Equal Employment Opportunity Employer, and accepts applications from males and females. Also, efforts will be made to contact minorities through the Human Resources Development Office.

Although there are no local minority publications, the people which they could reach are and will be reached by personal contact. The personal touch is also utilized in job counseling, training and testing. In testing particularly, when a language problem exists, the test proctor has in the past and will continue to read the questions to the applicant.

## Promotion

It is the policy of the City of Modesto to attempt to upgrade minorities already employed by the City, as well as to recruit them. Minorities, as well as other members of the City's organization, are upgraded on the basis of performance and the passage of various promotional tests. The City, rather than establish a formal training program, relies on entry level junior positions.

Provision is hereby made for trainee-level positions in the unclassified service of the City. Such positions may be utilized temporarily in lieu of filling regular authorized full-time and/or permanent part-time vacancies in either the classified or the unclassified service. Trainee appointments may be made upon the approval of the Personnel Director for periods of one year or less.

Positions may be filled at the trainee level only by persons who possess or will gain during the period of their appointment the minimum qualifications for regular appointment. A trainee who fails to so qualify will be terminated upon or before the expiration of the appointment.

The intent of this provision is to provide increased employment opportunities in the City service in furtherance of positive employee development, affirmative action, and more efficient expenditure of tax dollars.

Trainee level positions shall be compensated at a rate not to exceed eighty-five percent (85%) of the wage rate established by ordinance or resolution for the appropriate regular position. Trainee responsibilities shall be those outlined in substance on the appropriate regular position job descriptions recognizing, however, that employee development and skills acquisition are involved.

## Grievance Machinery

Complaints alleging discrimination will be handled through the City of Modesto's grievance machinery, as outlined in Personnel Rule 16. The grievance machinery for the City of Modesto may be broken down into two categories: informal and formal. The informal procedure consists for the most part of informal conversations between employee and supervisor. If the grievance is of such a nature that it cannot be resolved informally, then there are formal procedures which may be utilized for its resolution.

The formal grievance procedure consists of written grievances submitted first to the supervisor. If satisfaction is not forthcoming, then the grievance is forwarded up the chain of command up to and including the City Manager. The decision of the City Manager is final.

## Staff Training

It will be the responsibility of the Affirmative Action Officer to inform and train staff members. He may designate some of this responsibility to the Affirmative Action Committee as well as to two department heads. Review and evaluation of the program's progress will occur at six month intervals. Each department head will be made aware of the needs of his department and will be encouraged to bring his department up to the desired level.

## Community Relations

The Affirmative Action Officer will attempt in every way to become aware of the needs of the minority communities in the City of Modesto. Along with other staff members, he will seek to establish and maintain lines of communication with the various minority group leaders within the City.

## Contractor Compliance

Each bidder shall submit with his bid certification that he is in compliance with the Civil Rights Act of 1964, Executive Order No. 11245, the California Fair Employment Practices Act, and any other applicable federal and state laws and regulations relating to equal opportunity employment, including laws and regulations hereinafter enacted.

## Minority Enterprise Program

The City shall comply with the intent of Executive Order No. 11625 by identifying and encouraging minority enterprises to enter the bidding processes of the City of Modesto. When potential minority bidders are identified, they will be contracted and made familiar with the bidding process. Bid application forms will be forwarded to them along with other potential contractors.

## Summary

The City of Modesto has been and will continue to be committed to the principle of equal employment opportunity. Because of this commitment, the City has established an Affirmative Action Program, to insure equal employment opportunities and to eliminate practices, standards or conditions which artificially deprive individuals of employment opportunities.

The program not only seeks to eliminate the negative aspects of unequal treatment but does so in a positive manner. By seeking minority community members and actively recruiting them, the City hopes to establish among its employees a minority distribution profile congruent to that which is reflected by the City's population. The Affirmative Action Program is not limited to recruiting but also provides for the training and upgrading of minority group members.

Summary (Continued)

The City of Modesto is aware of its employment shortcomings both overall and departmentally, and its attempting to rectify them. It will be the combined responsibility of the Affirmative Action Officer, the Affirmative Action Committee, the Director of Management Services, and the department heads to fill vacant positions with qualified minority individuals. The City is aware also of the number of minority persons who should be either upgraded or hired in order to bring the job category figures up to an acceptable level.

It is believed that within the next four year period the goals of the Affirmative Action Program will be achieved either through the hiring of minorities for newly created positions or by utilizing positions which become available through turnover.

APPENDIX I

F MODESTO  
FORCE  
75) %

MALE							FEMALE						
ALL MALE	WHITE	BLACK	SAM	NA	AA	OTHER	ALL FEMALE	WHITE	BLACK	SAM	NA	AA	OTHER
59.7	50.1	.87	3.8	.39	.53	.29	40.3	34	.63	2.2	.28	.34	.17

## Analysis

### Affirmative Action Goals and Timetables.

Goals and timetables are included in the affirmative action plan for two reasons: one, it indicates the degree of equal opportunity achieved; and, secondly, it assures the success of affirmative action in averting discriminatory practices.

The City of Modesto's optional goal is a workforce that reflects the sexual and race/ethnic composition of the local labor force. The following methodology is used to achieve this goal.

## Methodology

The City of Modesto must determine how many minorities and women should be employed in various occupation \* according to a series of variables which include minority and female percentage of the present City of Modesto's workforce, local labor force and activity within the City of Modesto's workforce. Such activities include new hires, promotions, resignations, terminations and retirements. Comparisons of these two figures (workforce and labor force) are made. It is at this step where the difference is found between the labor force and workforce. If the labor force figure is larger than the workforce figure this indicates there is underutilization of in the occupational category either by race/ethnic group or sex (underutilization is denoted by a minus (-) sign on table \_\_\_\_\_ likewise a

\*These are EEO4 categories that the U.S. Equal Employment Opportunity uses which include officials and administrators, professionals, para-professionals, technicians, protective service, clerical, skilled craft and service maintenance.

positive (+) sign denotes utilization).

Goals and Timetables are derived and established by the City of Modesto. These realistic goals and timetables are set by labor force, workforce and activity rates, market availability and underutilization while also taking into account the expansion and contraction of the City of Modesto's employment and as well as transfer, training and promotion potentials.

Underutilization of The City of Modesto's FTE  
By Occupational Category, race/ethnic group and sex

Occupational Category	Total Employees	Total by Sex		Male					Female				
		M	F	NM	BLACK	SAM	NA	AA	NM	BLACK	SAM	NA	AA
Administration #	19	17	2			-1			-5				
Professional #	70	64	6			-2			19		-2		
Technician #	66	62	4		-1				-18		-2		
Protection #								-1	-54	-1	-4		-1
Office Clerical #	78	6	72	-36		-2							
Skilled Craft #	80	80				-2			-27	-1	-2		
Service Maintenance #	152	152							-52	-1	-3		-1

Source: FTE City of Modesto  
Utilization Analysis, 1977.

Column 1  
Occupational category

Column 2  
Total number of employees within each occupational category

Column 3-4  
Total number of male and female employees

Column 5-9  
Number and percentage of male employees by occupational categories indicated

Column 10-14  
Number and percentage of female employees by occupational categories indicated

Column 15-19  
Percent of non-minority and minority males represented in the labor force of Modesto

Column 20-24  
Percent of non-minority and minority females represented in the labor force of Modesto

Column 25-34  
Utilization and underutilization of males and females computation:

(local labor force percent X total employees within each occupational category) - race/ethnic, sex and occupational category = (under) utilization.

Example: to find (under) utilization of a non-minority female at the professional level (column 20 x column 2) - column 10

$(.34 \times 70) - 5 = 18.8$  or underutilization of 19  
(rounding off) non-minority females at the professional occupational category

{ - } minus sign indicates underutilization  
{ = } plus sign indicates utilization

OFFICIALS/ADMINISTRATION

1982 1 Male Spanish American or 1 white female

PROFESSIONAL

1982 2 Male Spanish American

1982 6 Female White

1982 1 Female Spanish American

TECHNICIAN

1982 6 Female White

1982 1 Female Spanish American

1982 1 Male Black

PROTECTION

1982 1 Male Asian American

1982 18 Female White

1982 1 Female Black

1982 2 Female Spanish American

1982 1 Female Asian American

CLERICAL

1982 10 Male White

1982 2 Male Spanish American

1982 1 Female Black

SKILLED CRAFT

1982 8 Female White

1982 1 Female Black

1982 2 Female Spanish American

SERVICE MAINTENANCE

1982 15 White Female

1982 1 Female Black

1982 1 Female Spanish American

1982 1 Female Asian American

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1020

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR INSTALLATION OF FLASHING LIGHT SIGNALS AT B AND BEARD STREETS CROSSING OF MODESTO AND EMPIRE TRACTION COMPANY**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and State of California for installation of flashing light signals at B and Beard Streets crossing of Modesto and Empire Traction Company be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

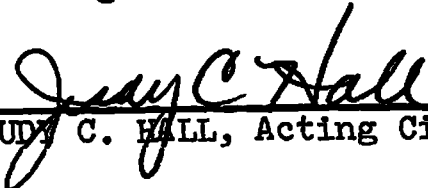
The foregoing resolution was introduced at a <sup>adjourned</sup> regular meeting of the Council of the City of Modesto held on the 28th day of September, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:**

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1021

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JAMES L. AND ELOUISE HANSON FOR THE PURCHASE OF 0.08<sup>+</sup> ACRES OF RIGHT OF WAY NEEDED FOR STANDIFORD - TULLY TO McHENRY PROJECT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Mr. and Mrs. James L. Hanson for the purchase of 0.08<sup>+</sup> acres of right of way needed for Standiford - Tully to McHenry project is hereby approved.


BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a/regular meeting adjourned of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1022

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN  
A NO-FAULT SETTLEMENT AGREEMENT (DELORES J. JONES)

BE IT RESOLVED by the Council of the City of Modesto that the City Manager is authorized to sign a no-fault settlement agreement with the State of California Division of Fair Employment Practices and Delores J. Jones regarding a controversy which exists between the City of Modesto and Delores J. Jones arising out of an equal employment opportunity complaint.

The foregoing resolution was introduced at a/regular meeting of the City Council held on the 28th day of September, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1023

JOINT USE

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MODESTO IRRIGATION DISTRICT

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
joint use  
that the/agreement between the City of Modesto and Modesto  
Irrigation District

for joint use of the Claus Road-M.I.I.D. parcel for the widening  
of Claus Road, Scenic to Briggsmore  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated city officials be authorized.

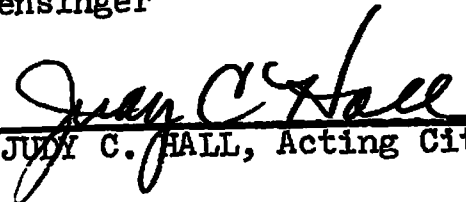
The foregoing resolution was introduced at a/regular meeting  
adjourned  
of the Council of the City of Modesto held on the 28th day of  
September, 1978, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1024

A RESOLUTION CONSENTING TO THE SALE AND TRANSFER BY SANDERS BROTHERS, INC., A CALIFORNIA CORPORATION, DOING BUSINESS AS SANDERS GARBAGE COMPANY, TO AIRPORT GARBAGE SERVICE, A CO-PARTNERSHIP COMPOSED OF EUGENE GILTON AND LEROY GILTON, OF ITS LICENSE FOR THE COLLECTION OF GARBAGE AND INDUSTRIAL GARBAGE.

WHEREAS, Sanders Brothers, Inc., a California corporation, doing business as Sanders Garbage Company has a license from the City of Modesto for the collection of garbage and industrial garbage, and

WHEREAS, Section 5-5.30 of the Modesto Municipal Code provides that no license may be sold or transferred by a licensed garbage company without prior written consent of the City Council granted after a public hearing thereon, and

WHEREAS, a request, as set forth below, has been received by the Council of the City of Modesto from Sanders Brothers, Inc., a California corporation, doing business as Sanders Garbage Company, for approval of the sale and transfer of its license for the collection of garbage and industrial garbage to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton, and

WHEREAS, a public hearing was held by the Council on September 11, 1978, and continued to September 25, 1978, and September 28, 1978, at which hearing the requested sale and transfer by Sanders Brothers, Inc., a California corporation, doing business as Sanders Garbage Company to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton, of its license for the collection of garbage and industrial garbage, as set forth above, was considered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby consents to the sale and transfer by Sanders Brothers, Inc. a California corporation, doing business as Sanders Garbage Company, to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton, of its license for the collection of garbage and industrial garbage.

The foregoing resolution was introduced at an adjourned regular meeting of the Council of the City of Modesto held on the 28th day of September, 1978, by Councilmember Elliott, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: Siefkin

ABSENT: Councilmembers: Kulljian, Mensinger

ATTEST: Judy C. Hall  
JUDY HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1025**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF AN APPEAL FROM MID VALLEY ENGINEERING ON BEHALF OF ED WYLIE, TO A PLANNING COMMISSION DECISION REGARDING REQUEST FOR REZONING ON PROPERTY ON ORANGEBURG AND OAKDALE ROAD**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that November 13, 1978, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal from Mid Valley Engineering on behalf of Ed Wylie, to a Planning Commission decision regarding request for rezoning on property on Orangeburg and Oakdale Road.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:**

Judy C Hall  
JUDY C HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1026

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND COUNTY HOUSING AUTHORITY FOR MODERNIZATION OF STREET LIGHTS IN ROBERTSON ROAD AREA AND AUTHORIZING CITY MANAGER TO SIGN AGREEMENT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Stanislaus County Housing Authority for modernization of street lights in Robertson Road 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 October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1026A

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR MODERNIZATION OF STREET LIGHTS IN ROBERTSON ROAD AREA**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for modernization of street lights in Robertson Road 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 17, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

Judy C Hall  
JUDY C HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1027

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$35,000 FROM GENERAL RESERVE TO ACCOUNT 6624-410-321, MODERNIZATION OF STREET LIGHTS/COUNTY HOUSING AUTHORITY

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Acct. 60-800-321 - General Reserve \$35,000  
TO: Acct. 6624-410-321  
Modernize St. Lites Co. Housing  
Authority \$35,000

Per agreement, Housing Authority will deposit funds with City prior to award of contract in the amount of \$29,498.70 subject to bids received. City to pay for Engineering from funds already budgeted.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1028

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS - HOUSING TARGET AREA NO. 1 PHASE III**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of Public Improvements - Housing Target Area No. 1 Phase III 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 17, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C Hall  
JUDY C HALL, Acting City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1029**

**A RESOLUTION ACCEPTING THE BID OF FLINTKOTE FOR REPAIR OF CITY HALL  
PARKING DECK**

**WHEREAS, Resolution No. 78-844 , adopted by the Council of the  
City of Modesto on August 14, 1978 , approved the plans and speci-  
fications for the repairs and improvements to the City Hall parking  
deck**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the repair and improvements to  
the City Hall parking deck  
were opened at 2:00 p.m. on September 13, 1978, and later tabulated  
by the Director of Parking and Traffic for the consideration of the  
Council, and**

**WHEREAS, the Director of Parking and Traffic has recommended that  
the bid of Flintkote in the amount of \$16,429**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Flintkote Company in the amount of \$16,429**

**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,**

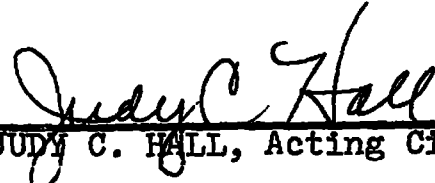
19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:**

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1030

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,429 FROM THE  
GENERAL RESERVE - PARKING FUND

BE IT RESOLVED by the Council of the City of Modesto that the  
following appropriation transfer(s) are approved:

FROM:	General Reserve-Parking Fund	\$3,429
	Account 060-800-209	
TO:	Capital Outlay/P & T	\$3,429
	Account 6459-560-321	

Additional funds needed for reconstruction and improvement  
of City Hall Parking Deck as planters added due to 11th  
Street Mall being dropped.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 2nd day of  
October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C Hall  
JUDY C HALL, Acting City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1031**

**A RESOLUTION ACCEPTING THE BID OF VALLEY SLURRY SEAL FOR HEATER REMIX  
SLURRY SEAL - "I" STREET FROM FIRST TO EIGHTH**

**WHEREAS, Resolution No. 78-923 , adopted by the Council of the  
City of Modesto on August 28, 1978 , approved the plans and speci-  
fications for the heater remix slurry seal of "I" Street from First  
to Eighth**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the heater remix slurry seal of  
"I" Street from First to Eighth  
were opened at 11:00 a.m. on September 19, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Valley Slurry Seal, in the amount of \$28,934.00**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Valley Slurry Seal, in the amount of \$28,934.00**

**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 2nd day of October,**

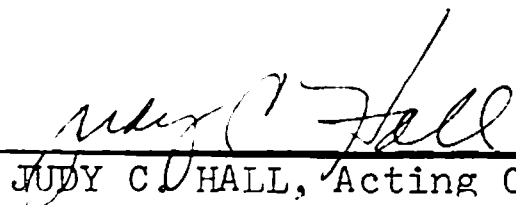
19 78, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger

**ATTEST:**

  
\_\_\_\_\_  
JUDY C. HALL, Acting City Clerk

RESOLUTION 73-1032 UNUSED

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1033

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND WALTER C. WATSON FOR THE DONATION OF NEEDED RIGHT OF WAY AND ALLOWING A HIGHER NUMBER OF DWELLING UNITS IN A DEVELOPMENT BASED ON GROSS ACREAGE BEFORE RIGHT OF WAY DONATION

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Walter C. Watson for the donation of needed right of way for the street widening project, Standiford - Tully to McHenry is hereby approved; and

BE IT FURTHER RESOLVED this agreement has been proposed to make use of Section 10-2.1622 of the Municipal Code which allows the Council the discretion of allowing a higher number of dwelling units in a development based on gross acreage before right of way donation when the City is widening an existing street; and

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

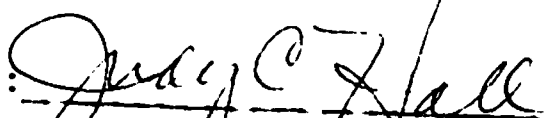
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1034

A RESOLUTION RESCINDING RESOLUTION OF NECESSITY FOR  
ACQUISITION OF AVIGATION EASEMENT. (EUGENE AND  
RACHEL BOONE)

WHEREAS, on April 17, 1978, the Council of the City of Modesto adopted  
a Resolution of Necessity, Resolution No. 78-380, to acquire certain avigation  
easements in that certain parcel of real property described as follows:

All that real property in the State of California, County  
of Stanislaus, being a portion of the Northeast quarter  
of Section 34, Township 3 South, Range 9 East, Mount  
Diablo Base and Meridian, described as follows:

Commencing at the quarter section corner common to Sections  
27 and 34, Township 3 South, Range 9 East; thence along the  
West line of the Northeast quarter of said Section 34,  
South 00°07'12" West, 153.0 feet; thence along a line  
parallel to the North line of said Section 34, South  
89°28'48" East, 850.0 feet; thence along the Western  
line of a 80.00 foot road known as Daly Avenue, South  
00°07'12" West, 1,135.0 feet, to the Southeastern corner  
of the property conveyed to Eugene Boone, et al., by Deed  
recorded June 14, 1955, as Instrument 17234, Stanislaus  
County Records; thence along the Southern line of said  
Boone property, North 89°52'48" West, 1.00 feet, to the  
Western line of the easement for public road and highway  
purposes as conveyed to the County of Stanislaus by Road  
Deed recorded January 7, 1976, as Instrument 30217,  
Stanislaus County Records, and the true point of beginning  
of this description; thence along said last mentioned  
Western line, South 00°07'12" West, 100.0 feet; thence  
North 89°52'48" West, 269.0 feet; thence North 00°07'12"  
East, 100.0 feet, to the Southwestern corner of the afore-  
mentioned Boone property; thence along the Southern line  
of said Boone property, South 89°52'48" East, 269.00 feet,  
to the point of beginning.

and

WHEREAS, subsequent to the date of adoption of said Resolution of  
Necessity, and on August 9, 1978, the owners of the real property described above  
expressed their willingness to sell said avigation easements to the City of  
Modesto, and

WHEREAS, the anticipated sale of said avigation easements will render acquisition of the easements through eminent domain proceedings unnecessary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 78-380, entitled "RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN AVIGATION EASEMENTS IN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES (EUGENE BOONE AND RACHEL BOONE AVIGATION EASEMENT)" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By [Signature]  
Department of Public Works

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1035

A RESOLUTION RESCINDING RESOLUTION OF NECESSITY FOR  
ACQUISITION OF AVIGATION EASEMENT (LELAND MILTON, INC.  
AND EUGENE AND RACHEL BOONE)

WHEREAS, on April 17, 1978, the Council of the City of Modesto adopted  
a Resolution of Necessity, Resolution No. 78-381, to acquire certain avigation  
easements in that certain parcel of real property described as follows:

All that real property in the State of California, County  
of Stanislaus, being a portion of the Northeast quarter of  
Section 34, Township 3 South, Range 9 East, Mount Diablo  
Base and Meridian, described as follows:

Commencing at the quarter section corner common to Sections  
27 and 34, Township 3 South, Range 9 East; thence along the  
West line of the Northeast quarter of said Section 34,  
South 00°07'12" West, 153.0 feet; thence along a line  
parallel to the North line of said Section 34, South  
89°28'48" East, 850.0 feet; thence along the Western line  
of a 80.00 foot road known as Daly Avenue, South  
00°07'12" West, 1235.14 feet, to the Southeastern corner  
of the property conveyed to Eugene Boone, et al., by Deed  
recorded July 3, 1958, as Instrument 16281, Stanislaus County  
Records; thence along the Southern line of said Boone  
property, North 89°52'48" West, 1.00 feet, to a point on  
the Western line of the easement for public road and highway  
purposes conveyed to the County of Stanislaus by Road Deed  
recorded January 7, 1976, as Instrument 30216, Stanislaus  
County Records, and the true point of beginning of this  
description; thence along said Southern line of said Boone  
property, North 89°52'48" West, 269 feet, to the Southwestern  
corner thereof; thence South 00°07'12" West, 132.48 feet;  
thence South 89°52'48" East, 269 feet, to said Western line  
of the County of Stanislaus road easement; thence along  
said last mentioned Western line, North 00°07'12" East,  
132.48 feet, to the point of beginning.

and

WHEREAS, subsequent to the date of adoption of said Resolution of  
Necessity, and on August 9, 1978, the owners of the real property described  
above expressed their willingness to sell said avigation easements to the City  
of Modesto, and

WHEREAS, the anticipated sale of said avigation easements will render  
acquisition of the easements through eminent domain proceedings unnecessary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 78-381, entitled "RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN AVIGATION EASEMENTS IN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES (LELAND MILTON, INC. AND EUGENE AND RACHEL BOONE AVIGATION EASEMENT)" is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

Judy C. Hall  
~~XXXXXXXXXXXXXXXXXXXX~~  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By For Campbell  
Department of Public Works

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1036

A RESOLUTION ACCEPTING IMPROVEMENTS IN GLENBROOK SUBDIVISION  
AND AUTHORIZING RELEASE OF INSTRUMENTS OF CREDIT

WHEREAS, Sutco Construction, Inc.,  
subdividers of Glenbrook Subdivision , have filed Instruments  
of Credit for faithful performance and labor and materials in the  
amount of \$139,000 and \$69,500 respectively to guarantee improvements  
in Glenbrook Subdivision ; and

WHEREAS, the Director of Public Works in a memorandum dated  
September 19, 1978 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 Instruments of <sup>Credit</sup> / upon expiration of  
the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto:

1. The improvements in Glenbrook Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Instrument of Credit for faithful performance in the amount of \$139,000 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Instrument of Credit for labor and materials in the amount of \$69,500 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1037**

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 5-4-9 OF THE ZONING MAP (MIKE FISHER)**

**WHEREAS, the Modesto City Planning Commission held a public hearing on September 19, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 5-4-9 of the Zoning Map, to Prezone to Medium Density Residential Zone, R-2, property located on the west side of Roselawn Avenue, south of Rouse Avenue the following described property:**

All that certain real property situated in Section 5, Township 4 South, Range 9 East, M.D.B. & M. described as follows:

The East 3 acres of Lot 13 of Rouse Colony, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on January 10, 1911 in Volume 5 of Maps, at Page 24.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-182 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 5-4-9 of the Zoning Map be set for November 6, 1978, 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy Q. Hall  
JUDY Q. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1038

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 32-3-9 OF THE ZONING MAP (SETLIFF BROTHERS)

WHEREAS, the Modesto City Planning Commission held a public hearing on September 19, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 32-3-9 of the Zoning Map, to rezone from R-1 to H-1 property located on the southwest corner of Tuolumne Boulevard and 7th Street

the following described property:

See Schedule "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-183 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 32-3-9 of the Zoning Map be set for November 6, 1978, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C Hall  
JUDY C. HALL, Acting City Clerk

Parcel No. 1

Lots 1, 2, and the Northeasterly 12.5 feet of Lot 3 in Block 304 in the City of Modesto, County of Stanislaus, State of California, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 21, 1942, in Volume 15 of Maps.

Parcel No. 2

All that portion of Block 303 in the City of Modesto, County of Stanislaus, State of California, according to the Official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 21, 1942, in Volume 15 of Maps, described as follows:

BEGINNING at the most Northerly corner of said Block 303; thence Southwesterly along the Southeasterly line of Tuolumne Boulevard 161.8 feet to the most Northeasterly corner of Lot 1 in Block 304 of said City of Modesto; thence South 30° 07' East along the Northeasterly line of said Lot 1, a distance of 27.2 feet; thence North 52° 38' East 145.1 feet to the Southwest line of Seventh Street; thence Northwest along the Southwest line of said Seventh Street to the point of beginning.

Parcel No. 3

BEGINNING at the northeastern corner of Block 303 of the City of Modesto, as per map filed December 21, 1942, in Volume 15 of Maps, Page 303, Stanislaus County Records, said point being the intersection of the Southern line of Tuolumne Boulevard and the Western line of Seventh Street; thence along the Northerly projection of the Western line of Seventh Street, North 16° 29' 36" West, 37.39 feet; thence along a tangent curve concave to the South, having a radius of 32.41 feet, a central angle of 140° 43' 37" and an arc length of 79.60 feet; thence South 22° 46' 45" West, 188.09 feet, to a point on the Northern line of Block 304 of the City of Modesto; thence along the Northern line of Block 304 and Block 303, North 47° 13' 22" East, 196.92 feet, to the point of beginning.

Including also all that portion of Street right-of-way situated between the centerline of Tuolumne Boulevard and the Northwesterly property line of the above described Parcels 1 and 3.

And also including all that portion of street right-of-way situated between the centerline of South 7th Street and the Easterly property line of the above described Parcel 2.

SCHEDULE "A"  
10/2/78  
Setliff Brothers

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1039

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (EDWARD WYLIE)

WHEREAS, the Modesto City Planning Commission held a public hearing on September 19, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to R-2 and from R-2 to R-1 property located south of Orangeburg Avenue and west of Oakdale Road, and denying a portion of the application requesting rezoning from R-1 to P-D and R-2 to P-D located at the southwest corner of Orangeburg/Oakdale, the following described property:

See SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-181 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 22-3-9 of the Zoning Map be set for November 13, 1978, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

R-2 to P-D

BEGINNING at the Northeast corner of said Lot 9, at the intersection of the centerline of East Orangeburg Avenue and Oakdale Road; thence South  $0^{\circ}45'$  East, along said centerline of Oakdale Road, a distance of 661.93 feet to the Southeast corner of said Lot 9; thence South  $89^{\circ}54'30''$  West, along said South line of Lot 9, a distance of 310.02 feet; thence North  $0^{\circ}45'$  West, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 133.93 feet; thence South  $87^{\circ}09'03''$  East, 10.02 feet; thence North  $0^{\circ}45'$  West, parallel with and 300.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 398.52 feet; thence South  $89^{\circ}54'44''$  West, parallel with and 130.00 feet distant Southerly measured at right angles from the North line of said Lot 9, a distance of 10.00 feet; thence North  $0^{\circ}45'$  West, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 130.01 feet to a point on the North line of said Lot 9; thence North  $89^{\circ}54'44''$  East, along said North line of Lot 9, a distance of 310.02 feet to the point of beginning.

Containing 4 52 Acres

R-1 to P-D

ALL that certain real property situate in a portion of Lot 9 of the Broughton Colony according to the Official Map thereof filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, and lying in a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California described as follows:

COMMENCING at the Northeast corner of said Lot 9 at the intersection of the centerlines of East Orangeburg Avenue and Oakdale Road; thence South  $89^{\circ}54'44''$  West, along the North line of said Lot 9, a distance of 300.02 feet; thence South  $0^{\circ}45'$  East, parallel with and 300.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 130.01 feet to the point of beginning of this description; thence continuing South  $0^{\circ}45'$  East, parallel with and 300.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 398.52 feet; thence North  $87^{\circ}09'03''$  West, 10.02 feet; thence North  $0^{\circ}45'$  West, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 398.01 feet; thence North  $89^{\circ}54'44''$  East, parallel with and 130.00 feet distant Southerly measured at right angles from said North line of Lot 9, a distance of 10.00 feet to the point of beginning.

Containing 0.091 Acres

SCHEDULE "A"  
10/2/78  
Ed Wylie

R-2 to R-1

ALL that certain real property situate in a portion of Lot 9 of the Broughton Colony according to the Official Map thereof filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, and lying in a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California described as follows:

COMMENCING at the Northeast corner of said Lot 9, at the intersection of the centerline of East Orangeburg Avenue and Oakdale Road; thence South  $89^{\circ}54'44''$  West, along the North line of said Lot 9, a distance of 310.02 feet; thence South  $0^{\circ}45'$  East, parallel with and 310.00 feet distant Westerly, measured at right angles from said centerline of Oakdale Road; a distance of 528.02 feet to the point of beginning of this description; thence continuing South  $0^{\circ}45'$  East, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 133.93 feet to a point on the South line of said Lot 9; thence South  $89^{\circ}54'30''$  West, along said South line of Lot 9, a distance of 25.98 feet; thence North  $2^{\circ}50'57''$  East, 135.00 feet; thence South  $87^{\circ}09'03''$  East, 17.54 feet to the point of beginning.

Containing 0.067 Acres

R-1 to R-2

ALL that certain real property situate in a portion of Lot 9 of the Broughton Colony according to the Official Map thereof filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, and lying in a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California described as follows:

COMMENCING at the Northeast corner of said Lot 9 at the intersection of the centerlines of East Orangeburg Avenue and Oakdale Road; thence South  $89^{\circ}54'44''$  West, along the North line of said Lot 9, a distance of 310.02 feet; thence South  $0^{\circ}45'$  East, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 130.01 feet to the point of beginning of this description; thence continuing South  $0^{\circ}45'$  East, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 265.06 feet; thence South  $89^{\circ}54'44''$  West, parallel with and 395.04 feet distant Southerly measured at right angles from said North line of Lot 9, a distance of 240.04 feet to the Southeast corner of Lot 12, Block 1326 of Wyldewood Estates No. 5, as shown on the map filed in Volume 24 of Maps, at Page 76, Stanislaus County Records; thence North  $0^{\circ}45'$  West, along the East line of said Wyldewood Estates No. 5 a distance of 265.06 feet to the Northeast corner of Lot 10, Block 1326 of said Subdivision; thence North  $89^{\circ}54'44''$  East, parallel with and 130.00 feet distant Southerly measured at right angles from said North line of Lot 9, a distance of 240.04 feet to the point of beginning.

Containing 1.461 Acres

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1040

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MELVIN L. AND A. ELAINE MYERS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1704 ROBERTSON ROAD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Melvin L. and A. Elaine Myers for sewer service to property outside City limits at 1704 Robertson Road, located on the south side of Robertson Road between Hays Street and Hammond Street be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy J. Hall  
JUDY J. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1041

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$3,000 FROM THE PUBLIC WORKS, SERVICE DIVISION APPROPRIATED RESERVE TO ACCOUNT 235-480-512, SERVICES PROFESSIONAL AND OTHER

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Acct. 060-00 800 512 Public Works Service Reserve	\$3,000
TO:	Acct. 235-00 480 512 Public Works Services Professional and Other	\$3,000

CAL/CSHA requires that each aerial bucket be inspected and certified once per year. The \$3,000 was inadvertently dropped from the 78-79 budget. The \$3,000 will cover cost of inspection and certification of 6 aerial buckets.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST:

Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1042

A RESOLUTION APPOINTING MEMBER OF THE DOWNTOWN IMPROVEMENT DISTRICT  
(STAN CUSHWAY)

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 Downtown Improvement District for the respective term as indicated:

Stan Cushway  
1612 Florine Lane  
Modesto, California  
Term to expire 3/28/82

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Downtown Improvement District 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 October, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1043

A RESOLUTION APPROVING USE OF DOWNTOWN SIDEWALKS WEDNESDAY, THURSDAY, FRIDAY AND SATURDAY, OCTOBER 18th, 19th, 20th and 21st, FOR DOWNTOWN'S ANNUAL FALL SIDEWALK SALE

WHEREAS, the Modesto Downtown Improvement District has requested the use of downtown sidewalks on Wednesday, Thursday, Friday, and Saturday, October 18th, 19th, 20th and 21st, for Downtown's Annual Fall Sidewalk Sale.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the request of the Modesto Downtown Improvement District for use of downtown sidewalks on October 18th, 19th, 20th and 21st, 1978, for Downtown's Annual Fall Sidewalk Sale is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1044

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING TWO (2) GARDEN REFUSE COLLECTION TRUCKS**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing two (2) garden refuse collection trucks copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 31, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST:

Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1045

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR STREET LIGHT MODERNIZATION PHASE VIII 1977-78**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for street light modernization Phase VIII 1977-78

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 24, 1978, at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

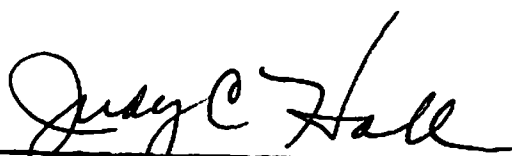
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1046

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR RADIO COMMUNICATIONS SYSTEM FOR FIRE DEPARTMENT**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for radio communications system for the Fire Department copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on October 31, 1978 at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

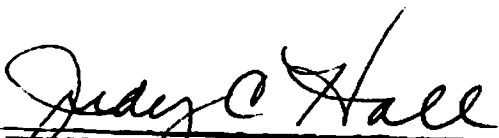
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

**ATTEST:**

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1047

A RESOLUTION ACCEPTING THE BID OF JOE MARTIN FOR CONSTRUCTION OF  
WATERLINES IN BLUE BIRD AVENUE AND PELANDALE AVENUE

WHEREAS, Resolution No. 78-984 , adopted by the Council of the  
City of Modesto on September 18, 1978 , approved the plans and speci-  
fications for the construction of waterlines in Blue Bird Avenue and  
Pelandale Avenue

and authorized the calling for bids, and

WHEREAS, the bids received for the construction of waterlines in  
Blue Bird Avenue and Pelandale Avenue  
were opened at 11:00 a.m. on October 3, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and

WHEREAS, the Director of Public Works has recommended that  
the bid of Joe Martin in the amount of \$29,868.00

be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Joe Martin in the amount of \$29,868.00

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 October,

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

**ATTEST:** Judy C. Hall  
JUDY C. HALL, Acting City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1048**

**A RESOLUTION ACCEPTING THE BID OF JOE MARTIN FOR CONSTRUCTION OF  
WATERLINE EXTENSION ON PALMILLA DRIVE AND SEMALLON DRIVE**

**WHEREAS, Resolution No. 78-962 , adopted by the Council of the  
City of Modesto on September 11, 1978 , approved the plans and speci-  
fications for the construction of waterline extension on Palmilla  
Drive and Semallon Drive**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterline  
extension on Palmilla Drive and Semallon Drive  
were opened at 11:05 a.m. on October 3, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Joe Martin in the amount of \$26,643.60**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Joe Martin in the amount of \$26,643.60**

**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 October,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

**ATTEST:** Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1049

A RESOLUTION ACCEPTING THE CONSTRUCTION OF McHENRY MUSEUM PARKING LOT  
(LEE WHITE PAVING)

WHEREAS, a report has been filed by the Director of Public Works that the construction of the McHenry Museum parking lot has been completed by Lee White Paving

in accordance with the contract agreement dated June 26, 1978.

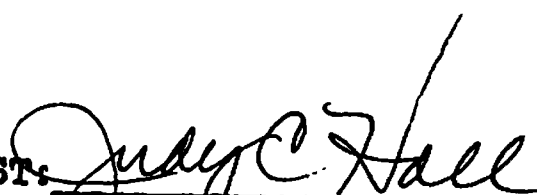
NOW, THEREFORE, BE IT RESOLVED that the construction of the McHenry Museum parking lot be accepted from said contractor, Lee White Paving;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$14,700 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 October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1050

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF PROJECT NO. 8 - REPLACEMENT OF CURBS AND DRIVE APPROACHES AT VARIOUS LOCATIONS**

WHEREAS, a report has been filed by the Director of Public Works that the construction of Project No. 8 - replacement of curbs and drive approaches at various locations has been completed by Cornish Construction

in accordance with the contract agreement dated June 26, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of Project No. 8 - replacement of curbs and drive approaches at various locations be accepted from said contractor, Cornish Construction;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$15,995 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 October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST:

Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1051

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (201)\_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
16-3-9 of the Zoning Map was filed by \_\_\_\_\_  
Vance Davis on July 14, 1978, to  
reclassify from Low Density Residential Zone, R-1,  
to Planned-Development Zone, P-D, the following described property:

The Northerly 225.4 feet of Lot 16 of the COFFEE COLONY, as  
per map filed January 13, 1906, in Volume 2 of Maps, page 22,  
Stanislaus County Records. Excepting therefrom, the Northerly  
135 feet of the Easterly 96 feet of the above described property.

WHEREAS, after public hearing held on August 15, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- a. Twenty dwelling units represent only a slight increase above Medium Density Residential Zone, (R-2) zoning.
- b. The Planned Development provides for adequate open space and parking for the project.
- c. The project utilizes a bypassed parcel and provides infilling within the current sewer service area in accordance with City policy.

WHEREAS, after a public hearing held on October 9, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Vance Davis for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1775 -C.S. on the 9th day of October, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (201).

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 (201), is hereby approved in accordance with the plan titled "Site Plan 20 Unit One-Story Planned Development Vance S. Davis" \_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on August 15, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

- a. That all development shall be in accordance with said plot plan.
- b. That prior to the issuance of a building permit for any development a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system.
- c. That all landscaping, fences, and walls shall be maintained and that the premises shall be kept free of weeds, trash, and other debris.
- d. That the development shall be connected to the City of Modesto's sewer and water facilities in accordance with the requirements of the Director of Public Works.
- e. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Section 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. That all drainage facilities shall be provided in accordance with the requirements of the Director of Public Works. The developer shall contain all surface drainage water on the site as required by the Director of Public Works.
- f. That all trash shall be maintained in enclosed trash areas in locations approved by the Director of Planning and Community Development. Said trash enclosures shall be constructed 6 feet high of the same building materials used in the main building as indicated on the plan or of solid decorative masonry except that said enclosures shall have solid doors to be kept closed at all times.

- g. That any security lighting shall be shielded from adjoining residential areas as specified by the City Engineer.
- h. That the applicant shall construct a solid 6-foot high fence with decorative masonry pilasters 16 feet on centers along the entire southerly and westerly property lines as indicated in red on the plan.
- i. That prior to the issuance of a building permit the developer shall dedicate all public utility easements as required by the utility companies serving the development and in accordance with the requirements of the Director of Public Works.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (201) :

That the construction project be accomplished in one phase. Construction shall commence on or before November 1, 1981, and be completed not later than November 1, 1982.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (201) 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 October, 1970, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Lang

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

APPROVED AS TO DESCRIPTION:

By William R. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1052

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 16-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO REZONING CERTAIN PROPERTY LOCATED THEREON. (VANCE DAVIS)

WHEREAS, on October 9, 1978, the City Council adopted Ordinance No. 1775 -C. S. giving approval to a project relating to an amendment to Section Map 16-3-9 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(201)

\_\_\_\_\_ , and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 16-3-9 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(201)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Lang

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1053

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (199) \_\_\_\_\_.

WHEREAS, a verified application for an amendment to Section  
19-3-9 of the Zoning Map was filed by Tim Lowe  
\_\_\_\_\_ on July 11, 1978, to  
reclassify from Planned Development Zone, P-D(1)  
\_\_\_\_\_ to Planned-Development Zone, P-D, the following described property:

Beginning at a point on the East line of Carver Road and the center line of Roseburg Avenue; thence South 0° 01' 30" West along the East line of said Carver Road, 848.46 feet to the Southwest corner of property conveyed to P. L. Milani, et ux, by Deed dated April 15, 1942; thence along a Southerly and Westerly boundary of said Milani property the following three courses and distances: South 88° 59' 50" East 166.83 feet; South 0° 01' 30" West 149.02 feet; South 89° 04' 50" East 224.02 feet; thence 0° 01' 50" East 995.70 feet to the center line of said Roseburg Avenue; thence North 88° 47' West along the center line of said Roseburg Avenue 390.98 feet to the point of beginning.

WHEREAS, after public hearing held on August 15, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- a. The new P-D plan represents an upgrading of a facility that already exists and the new plans better conform to contemporary commercial development standards for Modesto.
- b. Compatibility with adjoining residential areas will be improved by the construction of solid masonry walls and screen landscaping buffers.
- c. Fuller development of the commercial corner will allow the shopping center to better serve this portion of the community.

WHEREAS, after a public hearing held on October 9, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Tim Lowe for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1776 -C.S. on the 9th day of October, 1978, reclassifying the above-described property from Planned Development Zone, P-D(1) to Planned-Development Zone, P-D (199).

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 (199) , is hereby approved in accordance with the plan titled "Revised Plan, Planned Development, Sam's Food City Shopping Center" \_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on August 15 , 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with said plans.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant for approval by the Director of Parks and Recreation. The landscaping and the irrigation system shall be installed and maintained in accordance with said plan in a sequence commensurate with the development phasing as determined by the Director of Planning and Community Development. Irrigation shall be by underground sprinkler system. Landscaping adjacent to the residential lots at the east side of the development shall be designated "screen landscaping." The screen landscaping from Roseburg Avenue south to Del Monte Avenue shall be installed as part of the first phase of development.
3. That all landscaping, fences, and walls shall be maintained, and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the City of Modesto water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved to City standards including the provisions of Section 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.

6. That the applicant shall install four fire hydrants and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrants shall be installed and operable prior to the occupancy of any new construction.
7. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If a trash enclosure is used, it shall be constructed of the same building materials used in the main buildings or as approved by the Director of Planning and Community Development.
8. That except for the mini-warehouses, only those uses specifically permitted in the Neighborhood Commercial (C-1) Zone shall be permitted to locate within the shopping center.
9. All signs within the shopping center shall comply with the sign requirements of the H-1 Zone.
10. That all outdoor lighting shall be shielded from adjacent residential areas in accordance with the requirements of the City Engineer.
11. That 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 added to the premises as part of new construction or reconstruction pursuant to P-D(199) shall be soundproofed in accordance with the requirements of the Director of Public Works and shall not be located closer than 40 feet to adjacent residentially zoned properties.
12. That the loading dock areas east of the main shopping center structures may not be used for outside storage of any type of material.
13. That prior to occupancy of any new construction in the respective phases of development of the shopping center and the mini-warehouses, a masonry wall along the east side of the shopping center shall be constructed to a 6-foot height. The masonry wall from Roseburg Avenue south to Del Monte Avenue shall be constructed as part of the first phase of development. Said wall shall be constructed 8 feet high from Del Monte Avenue north adjacent to the first three rear yards of adjoining residential lots as shown in red on the approved development plans.
14. That the mini-warehouse area shall be used for storage only and no use of the buildings or grounds shall be made for shop work or for music rehearsal or performance or any other unauthorized purposes.
15. That all businesses in the shopping center shall be open to the public only between the hours of 7 o'clock a. m. and 10 o'clock p. m. of each day, seven days a week. All activities on the premises, including construction and maintenance, sweeping the parking lot, access to the mini-warehouse area, and the parking of trucks shall be limited to the hours above.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D

199 :

Phase I shall contain the commercial building additions at the northeast portion of the site and including the easterly wall and screen planting between Roseburg and Del Monte Avenues and the reconstruction of the westerly-central main parking area as shown in red on the plans. Construction shall start on or before January 31, 1980; completion to be not later than January 31, 1981.

Phase II shall include the building additions near the easterly-center of the site and the wall and screen planting from Del Monte south to the mini-warehouses. Construction shall start on or before January 31, 1981; completion to be not later than January 31, 1983.

Phase III shall include the southwesterly portion of the development and the mini-warehouse development including the remaining easterly wall and screen landscaping. Construction shall start on or before January 31, 1982; completion to be not later than January 31, 1984.

Phase IV shall include the northwesterly portion of the site containing the freestanding buildings and the remaining off-street parking areas. Construction shall start on or before January 31, 1984; completion to be not later than January 31, 1986.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (199) 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 October, 1971, by Councilmember Sierkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Sierkin, Mayor Davier
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Kullijian

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

APPROVED AS TO DESCRIPTION:

By William F. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1054

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO REZONING CERTAIN PROPERTY LOCATED THEREON. (TIM LOWE)

WHEREAS, on October 9, 1978, the City Council adopted Ordinance 1776-C.S. giving approval to a project relating to an amendment to Section 19-3-9 of the Zoning Map of the City of Modesto to rezone Planned Development Zone, P-D(1), to Planned Development Zone, P-D(199)

\_\_\_\_\_ , and WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 19-3-9 of the Zoning Map of the City of Modesto to rezone Planned Development Zone, P-D(1), to Planned Development Zone, P-D(199)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1055

A RESOLUTION DENYING THE APPEAL OF THE WESTERN PACIFIC RAILROAD COMPANY AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION APPROVING THE TENTATIVE MAP OF LAMATIS INDUSTRIAL CENTER SUBDIVISION.

WHEREAS, the tentative map of Lamatis Industrial Center Subdivision was filed in the office of the Secretary of the Planning Commission on July 11, 1978, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, the Planning Commission, at its meeting on August 15, 1978, considered said tentative map, including a proposal by the Department of Planning & Community Development that a stub street be required running south from Winmoore Way to property owned by the Western Pacific Railroad Company, and

WHEREAS, by Resolution No. 78-157, adopted on August 15, 1978, the Planning Commission approved the tentative map of Lamatis Industrial Center Subdivision, including a requirement for a stub street running south from Winmoore Way to property owned by The Western Pacific Railroad Company, and

WHEREAS, an appeal to the Planning Commission's decision approving said tentative map of Lamatis Industrial Center Subdivision was filed by The Western Pacific Railroad Company with the office of the City Clerk on August 24, 1978, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 o'clock p.m. on October 9, 1978, and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by The Western

Pacific Railroad Company to the decision of the Planning Commission approving the tentative map of Lamatis Industrial Center Subdivision, should be denied and the decision of the Planning Commission should be affirmed for the following reasons:

1. The proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City of Modesto and the Subdivision Map Act of the State of California.
2. The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. The traffic needs in the area require the stub street running south from Winmoore Way to property owned by the Western Pacific Railroad Company,

and

WHEREAS, at said meeting, the Council 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 proposed subdivision,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by The Western Pacific Railroad Company to the decision of the Planning Commission approving the tentative map of Lamatis Industrial Center Subdivision be denied and the approval by the Planning Commission of said tentative map be affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed subdivision.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

  
\_\_\_\_\_  
JUDY HALL, Assistant City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
\_\_\_\_\_  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1056

A RESOLUTION GRANTING A REVOCABLE ENCROACHMENT PERMIT TO UNITED PENTACOSTAL CHURCH TO CONSTRUCT A SIX-FOOT HIGH FENCE IN THE SIDEWALK PLANTING STRIP AT 132 CALAVERAS AVENUE, MODESTO.

WHEREAS, United Pentacostal Church desires to maintain a playground-park at 132 Calaveras Avenue, Modesto, as a part of the Tuolumne Christian School, and

WHEREAS, a barrier between the children who will use the said playground-park and the vehicular traffic in the adjacent street right-of-way on Calaveras Avenue is necessary for the protection and safety of said children, and

WHEREAS, there is fifteen (15') feet of public street right-of-way between the curb line and the property line of United Pentacostal Church on Calaveras Avenue, and

WHEREAS, United Pentacostal Church proposes to construct a six (6') foot high chain link fence within said street right-of-way behind the existing five (5') foot sidewalk to provide said barrier,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an encroachment permit is hereby granted to United Pentacostal Church to construct a six (6') foot high chain link fence in the public right-of-way at 132 Calaveras Avenue, Modesto, subject to the following conditions:

1. That the fence shall be constructed in accordance with the plot plan submitted by United Pentacostal Church with their letter as received in the Public Works Department of the City of Modesto on August 30, 1978.
2. Permittee shall obtain a building permit and shall file an insurance certificate pursuant to condition no. 5 hereof prior to the start of construction.
3. Permittee shall construct, install and maintain the fence in such a manner that it will not become a nuisance or be hazardous to the public using the sidewalk planting strip or the adjacent street.

4. Permittee shall be responsible for any and all claims and liabilities for damage arising out of, or caused by the construction or maintenance of, the six (6') foot high chain link fence in the public right-of-way. In the event any such claim or liability for damages is made against or imposed upon the City of Modesto or any officer, employee or agent thereof, permittee shall, and by acceptance of this permit agrees to, defend, indemnify and hold harmless the City of Modesto or any such officer, employee or agent from all such claims or liability.

5. Permittee shall provide and keep in force during the life of this permit, a policy of public liability and property damage insurance, including endorsements for bodily injury and accidental death, covering those liabilities which may arise in any way out of the exercise of the rights granted by this permit. The amounts of such insurance shall be as follows:

Public Liability Insurance, in an amount not less than One Hundred Thousand and no/100ths (\$100,000.00) Dollars for injury or death to any one person, and Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for injury or death arising from any one accident or occurrence, and

Property Damage Insurance, in an amount not less than Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars.

The policy of insurance shall contain a contractual liability endorsement covering the liability assumed by the permittee by the terms of the permit, and shall contain a provision that such policy may not be cancelled except after ten (10) days written notice to the City Clerk.

A copy of the policy or a certificate of insurance evidencing the insurance coverage shall be filed with the City Clerk.

6. Permittee shall allow the City of Modesto and all public utilities the right of free access to all portions of the public right-of-way.

7. This permit is revocable at any time by the City Council. Upon revocation of this permit, permittee shall remove said fence within thirty (30) days after the date of mailing of notice of said revocation to Permittee at Permittee's last known address.

8. Permittee shall accept this permit in writing, including all terms and conditions hereof, in a form acceptable to the City, and no rights or privileges shall be granted hereby until said written acceptance has been received by the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Siefkin,  
Vice Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST: Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1057**

**A RESOLUTION ACCEPTING THE BID OF THE FLINTKOTE COMPANY FOR CONSTRUCTION OF CANAL CROSSINGS - MID LATERAL 7 AT PRESCOTT ROAD AND CHEYENNE WAY**

**WHEREAS, Resolution No. 78-945 , adopted by the Council of the City of Modesto on September 5, 1978 , approved the plans and specifications for the construction of canal crossings - MID Lateral 7 at Prescott Road and Cheyenne Way**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of canal crossings - MID Lateral 7 at Prescott Road and Cheyenne Way were opened at 11:05 a.m. on September 19, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of The Flintkote Company in the amount of \$159,600.00**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of The Flintkote Company in the amount of \$159,600.00**

**be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

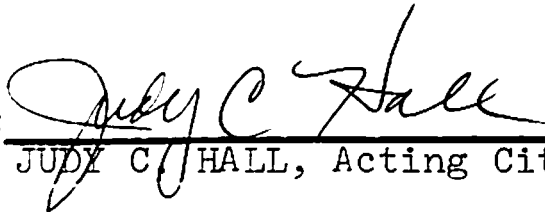
**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Lang, Mensinger, Siefkin,  
Vice Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mayor Davies

**ATTEST:**   
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 1058

A RESOLUTION OBJECTING TO THE SALE OF TWO PARCELS OF REAL PROPERTY HEREIN DESCRIBED BY THE TAX COLLECTOR OF THE COUNTY OF STANISLAUS AS PROVIDED BY SECTION 3695 OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.

WHEREAS, the Board of Supervisors of the County of Stanislaus, State of California, has authorized the Tax Collector of the County of Stanislaus to sell at public auction certain real property situated in said County and which has been deeded to the State of California for nonpayment of delinquent taxes, and

WHEREAS, the hereinafter described property is situated in the City of Modesto, County of Stanislaus, State of California, and

WHEREAS, said property has also been sold for nonpayment of taxes levied and assessed by said City of Modesto and County of Stanislaus on said property for a period of five (5) years and said taxes due to said City and County have not been paid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with the provisions of Section 3695 of the Revenue and Taxation Code of the State of California, said City of Modesto hereby objects to the sale of said property hereinafter described by said County Tax Collector.

BE IT FURTHER RESOLVED that the City of Modesto desires to purchase said property under the provisions of Chapter 8, Part 6, Division 1 of the Revenue and Taxation Code of the State of California (Sections 3771 et seq., Revenue and Taxation Code) and hereby authorizes the City Manager to execute an agreement with the County of Stanislaus to purchase said property.

The real property herein mentioned is situated in the City of Modesto, County of Stanislaus, State of California, and is more particularly described as follows:

Parcel 1546-1

All that portion of the Northeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lot 9 in Block 1546 of the ORANGEBURG EAST Subdivision, as per map filed August 18, 1971, in Book 23 of Maps, Page 40, Stanislaus County Records.

Parcel 1550-1

All that portion of the Northeast quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lot 3 in Block 1550 of the ORANGEBURG EAST Subdivision, as per map filed August 18, 1971, in Book 23 of Maps, Page 40, Stanislaus County Records.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

(SEAL)

ATTEST:

Judy A Hall  
JUDY HALL, Acting City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

Approved as to Description:

Ross Campbell  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1059

A RESOLUTION APPROVING THE FINAL MAP OF THE  
EASTRIDGE PLAZA  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Paul M. Zagaris,

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is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 24.893 acres, known as the  
Eastridge Plaza Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 20th day of  
September, 1978, and

WHEREAS, the Secretary of the Planning Commission of the  
City of Modesto has certified that the final map of said tract  
substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified  
that the final map of said Eastridge Plaza  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1060

A RESOLUTION APPROVING THE FINAL MAP OF THE  
BLOOMFIELD NO. 3  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Altamont Builders, Inc., a California corporation,

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is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 8.352 acres, known as the  
Bloomfield No. 3 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 17th day of  
January, 1978, 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 Bloomfield No. 3  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

Judy C Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1061

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHANNA M. KENNEY FOR THE PURCHASE OF 17.97+ ACRES OF HER PROPERTY NEEDED FOR THE PELANDALE SCHOOL/PARK SITE

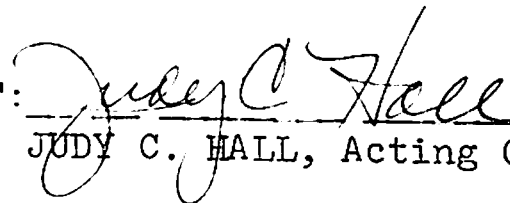
BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Johanna M. Kenney for the purchase of 17.97+ acres of her property needed for the Pelandale School/Park Site is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder 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 October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies  
NCES: Councilmembers: None  
ABSENT: Councilmembers: Kullijian

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1062

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOHANNA M. KENNEY TO LEASE PROPERTY ON THE SOUTHWEST CORNER OF DALE AND SNYDER ROADS, FOR ONE YEAR WITH THE CITY RECEIVING 25% OF THE GROSS PROCEEDS FROM THE CROP**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Mrs. Johanna M. Kenney

**for** leasing property on the southwest corner of Dale and Snyder Roads for one year with the City receiving 25% of the gross proceeds from the crop  
**be, and it is hereby approved.**

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated 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 October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

**ATTEST:** Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1063

A RESOLUTION APPROVING RIGHT OF WAY AGREEMENT BETWEEN THE CITY OF MODESTO AND BOMBERGER BROTHERS, INC., A CALIFORNIA CORPORATION, FOR THE PURCHASE OF 30+ ACRES OF LAND NEEDED FOR DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the right of way agreement between the City of Modesto and Bomberger Brothers, Inc., for the purchase of 30+ acres of land needed for Dry Creek Park is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said right of way agreement on behalf of the City of Modesto and the City Clerk authorized to record said Grant Deed with the Recorder of Stanislaus County.

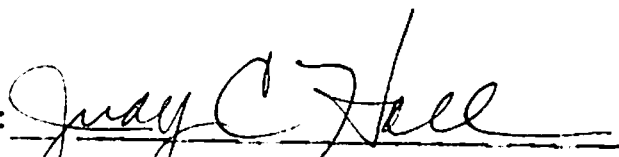
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1064

A RESOLUTION AUTHORIZING RIGHT OF WAY CERTIFICATE FOR CLAUS ROAD -  
YOSEMITE AVENUE TO BRIGGSMORE AVENUE PROJECT

WHEREAS, the City of Modesto has acquired the required right of way needed to improve Claus road - Yosemite to Briggsmore Avenue; and

WHEREAS, it is necessary for the City of Modesto to make a certification to the State of California that the right of way has been acquired for the improvement of Claus Road from Yosemite Avenue to Briggsmore Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager and City Clerk are hereby authorized to sign a Right of Way Certificate setting forth the status of right of way acquisition for the Claus Road from Yosemite Avenue to Briggsmore Avenue project.

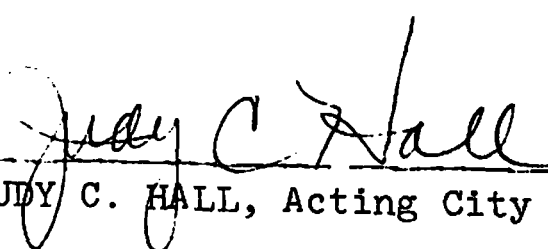
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Lang , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1065

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROBERT E. AND LOIS E. MEYERS FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY AT 1432 MORENE WAY**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. and Mrs. Robert E. Meyers

**for** sewer service to property outside the City at 1432 Morene Way, located on the east side of Morene Way between E. Coolidge Ave. and E. Orangeburg Avenue.  
**be, and it is hereby approved.**

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

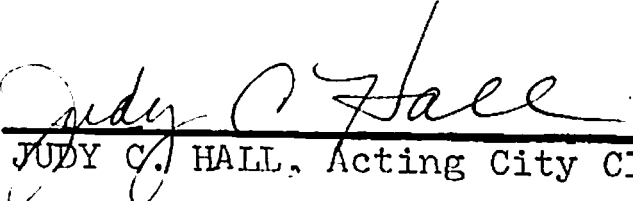
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

**ATTEST:**

  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1066

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND AND BERNELL SNIDER TO ALLOW THE CONSTRUCTION OF AN 8-UNIT T-HANGAR RATHER THAN A 4-UNIT T-HANGAR AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
amended  
that the/agreement between the City of Modesto and Bernell Snider

for construction of an 8-unit T-hangar rather than a 4-unit T-hangar at the Modesto City-County Airport/Harry Sham 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 9th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

Judy C. Hall  
JUDY C. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1067

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
TOUCHE ROSS AND COMPANY TO PREPARE AN INDIRECT COST DISTRIBUTION  
PLAN 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 Touche Ross and  
Company to prepare an indirect cost distribution plan 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.

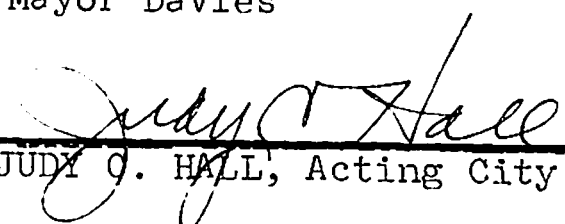
The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 9th day of  
October, 1978, by Councilmember Mensing,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Elliott, Lang, Mensinger, Siefkin,  
Vice Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mayor Davies

**ATTEST:**

  
JUDY O. HALL, Acting City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1068

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$25,000 FOR PREPARATION OF AN INDIRECT COST DISTRIBUTION PLAN 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:	General Reserve	\$25,000
TO:	Services, Prof. & Other	\$25,000

To provide for payment to Touche Ross and Company for preparation of an Indirect Cost Distribution Plan for the City of Modesto.

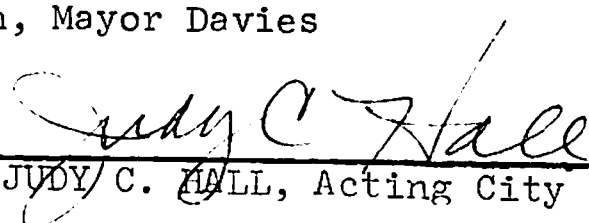
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1973, by Councilmember Mensinger, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Siefkin,  
Vice Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mayor Davies

ATTEST:

  
JUDY C. HALL, Acting City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1069**

**A RESOLUTION ACCEPTING THE BID OF STANISLAUS PAVING, INC. FOR CONSTRUCTION OF WATERLINE EXTENSIONS IN WEST UNION AVENUE, PRESCOTT ROAD AND UNION AVENUE**

**WHEREAS, Resolution No. 78-1002 , adopted by the Council of the City of Modesto on September 28, 1978, approved the plans and specifications for the construction of waterline extensions in West Union Avenue, Prescott Road and Union Avenue and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterline extensions in West Union Avenue, Prescott Road and Union Avenue were opened at 11:10 a.m. on October 10, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Stanislaus Paving, Inc. in the amount of \$16,514.23 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Stanislaus Paving, Inc. in the amount of \$16,514.23 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 October,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1070

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WOODROW PARK MASONRY WALL**

WHEREAS, a report has been filed by the Director of Public Works that the construction of the Woodrow Park masonry wall has been completed by Thomas Masonry

in accordance with the contract agreement dated August 7, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of Woodrow Park masonry wall be accepted from said contractor, Thomas Masonry;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$19,273.82 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 October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1071

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF TUOLUMNE RIVER REGIONAL  
PARK. PHASE I, UNIT I**

WHEREAS, a report has been filed by the Director of Public Works that the construction of Tuolumne River Regional Park, Phase I, Unit I has been completed by D.S.S. Company

in accordance with the contract agreement dated March 6, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of Tuolumne River Regional Park, Phase I, Unit I be accepted from said contractor, D.S.S. Company

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$384,366.52 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 October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1072

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (205).

WHEREAS, a verified application for an amendment to Section  
13-3-8 of the Zoning Map was filed by Richard Ciccarelli  
on July 17, 1978, to  
reclassify from Low Density Residential Zone, R-1,  
to Planned-Development Zone, P-D, the following described property:

ALL that certain real property situate in a portion of the Northeast quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows;

BEGINNING at the Northeast corner of said Section 13, said corner being a point on the center line of Prescott Road; thence South  $0^{\circ}15'00''$  East, along the East line of said Section 13, and the centerline of Prescott Road, a distance of 165.70 feet, to the intersection with the center line of Rumble Road, as shown on the map filed in Volume 11 of Surveys at Page 124, Stanislaus County Records; thence South  $89^{\circ}14'40''$  West, along said center line of Rumble Road, a distance of 100.00 feet, to the beginning of a tangent curve, concave to the Northeast; thence Westerly, 328.78 feet, along said curve, and the center line of Rumble Road, having a radius of 600.00 feet, and a central angle of  $31^{\circ}23'46''$  to a point of reverse curvature; being concave to the Southwest; thence continuing Westerly 219.03 feet along said curve and the center line of Rumble Road, having a radius of 600.00 feet, and a central angle of  $20^{\circ}55'13''$  to the North line of said Section 13, and a point of cusp; thence North  $89^{\circ}19'40''$  East, along said North line of said Section 13, a distance of 617.27 feet to the point of beginning.

Containing 1.517 acres.

WHEREAS, after a public hearing held on August 15, 1978, and continued to September 5, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D Zone will provide convenience goods and services for the benefit of the surrounding residential areas including the mobile home development both to the north and to the south of the subject property.
2. The amended P-D plan and conditions of approval assure a reasonable degree of compatibility between this commercial development and the surrounding residential and institutional developments.

WHEREAS, after a public hearing held on October 16, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Richard Ciccarelli for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1778 -C.S. or the 16th day of October, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (205).

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 (205), is hereby approved in accordance with the plan titled "Plans to Accompany an Application for Planned Development", as amended in red on its face, stamped approved by the Planning Commission on September 5, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development be in accordance with the plan referred to above.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system. The 10-foot wide landscaped strip along the entire north property line shall be designated screen landscaping.
3. That the developer shall install full public street improvements meeting the requirements of the Director of Public Works along both the Rumble Road and Prescott Road frontages of the property. Prior to the issuance of a building permit, the developer shall submit to and obtain approval from the City Engineer, street improvement plans prepared by a registered civil engineer.
4. That the required public street improvements shall be installed prior to the occupancy of the premises.
5. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
6. That the development shall be connected to public water and sewer facilities in accordance with the requirements of the Director of Public Works.

7. That all parking and driveway areas shall be improved in accordance with City standards, including the provisions of Section 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.
8. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or as determined by the Director of Planning and Community Development.
9. That all signs shall comply with the sign regulations of the H-1 Zone.
10. That all outdoor lighting shall be shielded from adjacent residential areas in accordance with the requirements of the City Engineer.
11. That the uses permitted within the P-D zone be limited to those permitted within the C-1 zone.
12. That an 8-foot high decorative masonry wall shall be constructed along the entire northerly property line.
13. That no loading or unloading of merchandise or parking of trucks shall be permitted between the proposed buildings and the northerly property line.
14. That the gas pump island shall meet the specifications of the Fire Chief.
15. That the entire premises shall be open for business only between the hours of 6 a.m. through 12 midnight, seven days per week.
16. That prior to the issuance of a building permit for any development, the developer shall dedicate public utility easements along both the Prescott and Rumble Road frontages as requested by the Director of Public Works.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (205) :

The entire construction program is to be accomplished in one phase, construction to begin on or before January 1, 1980, and completion to be not later than January 1, 1982.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 ( 205 ) 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 October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: Dunlap, Siefkin

ABSENT: Councilmembers: None

(SEAL)

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO DESCRIPTION:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

By William J. ...  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1073

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 13-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO REZONING CERTAIN PROPERTY LOCATED THEREON. (RICHARD CICCARELLI)

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WHEREAS, on October 16, 1978, the City Council adopted Ordinance No. 1778 -C. S. giving approval to a project relating to an amendment to Section Map 13-3-8 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(205), and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 13-3-8 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(205)

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Elliott, Kullijian, Lang, Mensinger, Mayor Davies  
NOES: Councilmembers: Dunlap, Siefkin  
ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1074

A RESOLUTION OVERRULING THE DECISION OF THE BOARD OF ZONING ADJUSTMENT DENYING A CONDITIONAL USE PERMIT TO PERMIT A 20-FOOT HIGH, 72-SQUARE FOOT FREESTANDING SIGN TO IDENTIFY THE RULE-DALE AUTOMOBILE DEALERSHIP UNDER CONSTRUCTION AT THE SOUTHWEST CORNER OF MC HENRY AND UNION AVENUES.

WHEREAS, an application for a conditional use permit to permit construction of a 20-foot high, 72-square foot freestanding sign to identify the Rule-Dale automobile dealership under construction at the southwest corner of McHenry and Union Avenues was filed by Sign Designs, Inc. on August 4, 1978, and

WHEREAS, Section 19-2.1904(a) of the Modesto Municipal Code authorizes the Board of Zoning Adjustment to grant conditional use permits after public hearing, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on August 23, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which time evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing above referred to, the Board of Zoning Adjustment, by resolution No. 820, found and determined that the applicant had failed to show the mandatory requirements of the sign regulations for a freestanding identification sign due to the fact that other signs permitted in the H-1 Zone would be sufficient to adequately identify the automobile dealership, and that the request for a conditional use permit to allow a 20-foot high, 72-square foot freestanding sign to identify the Rule-Dale automobile dealership under construction at the southwest corner of McHenry and Union Avenues in the City of Modesto, as requested by Sign Designs, Inc. should be denied, and

WHEREAS, an appeal was filed by Sign Designs, Inc. with the City Clerk of the City of Modesto on August 25, 1978, to the decision of the Board of Zoning Adjustment denying its request for a conditional use permit to permit a 20-foot high, 72-square foot freestanding sign to identify the Rule-Dale automobile dealership under construction at the southwest corner of McHenry and Union Avenues, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 - 11th Street, Modesto, California, at 4:00 o'clock p.m. on October 16, 1978, and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Sign Designs, Inc. to the decision of the Board of Zoning Adjustment denying its request for a conditional use permit to permit a 20-foot high, 72-square foot freestanding sign to identify the Rule-Dale automobile dealership under construction at the southwest corner of McHenry and Union Avenues in the City of Modesto should be granted for the following reasons, and that the decision of the Board of Zoning Adjustment should be overruled:

1. The subject automobile dealership is a relocation of an established business from the downtown area.
2. The subject 20-foot high, 72-square foot freestanding sign exists at the previous site of this car dealership.
3. The subject 20-foot high, 72-square foot freestanding sign will be removed no later than January 1, 1982.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Sign Designs, Inc. to the decision of the Board of Zoning Adjustment denying its request for a conditional use permit to allow a 20-foot high, 72-square foot freestanding sign to identify the Rule-Dale automobile dealership under construction at the southwest corner of McHenry and Union Avenues in the City of Modesto be, and is hereby granted, and the decision of the Board of Zoning Adjustment

as set forth in its Resolution No. 820 is overruled.

BE IT FURTHER RESOLVED that a conditional use permit to permit a 20-foot high, 72-square foot freestanding sign to identify the Rule-Dale automobile dealership under construction at the southwest corner of McHenry and Union Avenues in the City of Modesto be and is hereby granted, subject to the following conditions:

1. That said sign shall be no larger than 20-feet high and 72-square feet in area and placed in a location as shown in red on the plot plan titled "Wilson Lincoln-Mercury Dealership", on file in the office of the Director of Planning and Community Development.
2. That said sign be removed by no later than January 1, 1982.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mayor Davies

NOES: Councilmembers: Dunlap, Mensinger, Siefkin

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
\_\_\_\_\_  
ELWYN JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1075

A RESOLUTION WAIVING THE ONE YEAR LIMITATION ON A NEW APPLICATION BY LAND BANK FINANCIAL SERVICES FOR AN AMENDMENT TO SECTION 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, TO RECLASSIFY CERTAIN PROPERTY LOCATED THEREON.

WHEREAS, Section 10-2.2103 of the Modesto Municipal Code provides that no application for a zone boundary change shall be accepted by the Planning Commission for any property or area for which a previous application for a zone boundary change has been denied until one year has elapsed from the date of such denial, except that the City Council or the Planning Commission may waive the one year limitation, and

WHEREAS, an application for a zone boundary change to amend Section 20-3-9 of the Zoning Map was filed by Land Bank Financial Services on February 14, 1978, to reclassify from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, property located on the north side of West Roseburg Avenue, east of Tully Road in the City of Modesto, and

WHEREAS, at a public hearing held on July 24, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council of the City of Modesto denied the requested rezoning, and

WHEREAS, in accordance with the provisions of Section 10-2.2103 of the Modesto Municipal Code, the Council, at its meeting held on October 16, 1978, determined that it was appropriate to waive the one year limitation in order that Land Bank Financial Services could submit a new application to the Planning Commission for an amendment to Section 20-3-9 of the Zoning Map to reclassify the property for which rezoning had been denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with the provisions of Section 10-2.2103 of the Modesto

Municipal Code, it hereby waives the one year limitation for Land Bank Financial Services to submit a new application to the Planning Commission for an amendment to Section 20-3-9 of the Zoning Map to reclassify the following described property:

All that real property situated in the State of California, County of Stanislaus described as follows:

The East 87.5 feet of the East 264.0 feet of the South half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

BE IT FURTHER RESOLVED that this Council finds and determines that the waiving of the one year limitation will not adversely affect the interest of the general public because the applicant, Land Bank Financial Services, has substantially changed the proposed plan for development of the property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Kulljian, 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: Elliott, Kulljian, Lang, Mensinger, Mayor Davies  
NOES: Councilmembers: Dunlap, Siefkin  
ABSENT: Councilmembers: None

(SEAL)

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William D. ...*  
Director of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1076

A RESOLUTION GRANTING APPROVAL TO THE MODESTO ROTARY CLUB TO ERECT A SERVICE CLUB SIGNBOARD AT THE SOUTHEAST CORNER OF MAZE BOULEVARD AT CARPENTER ROAD IN THE CITY OF MODESTO.

WHEREAS, the Modesto Rotary Club has requested approval by the City Council to erect a service club signboard at the southeast corner of Maze Boulevard at Carpenter Road in the City of Modesto, and

WHEREAS, the Council finds and determines that the sign which the Modesto Rotary Club proposes to erect is an informational sign as defined in Modesto Municipal Code Section 10-2.3502(w)(2) and may be erected, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby grants the request of the Modesto Rotary Club to erect a service club signboard at the southeast corner of Maze Boulevard at Carpenter Road in the City of Modesto, subject to the following conditions:

1. That the Modesto Rotary Club be responsible for seeking a private property owner and obtaining permission to erect and maintain said sign on said property.
2. That a building permit be obtained from the City of Modesto for said sign and that it be erected outside of any clear vision triangle at the above mentioned street intersection, and be set back 10 feet minimum from any public street.
3. That other service clubs in the City of Modesto shall be permitted to utilize said service club signboard, provided that each organization will be permitted only one identification, with the exception of the Modesto Rotary Club, the sign sponsor.
4. That the charge made by the Modesto Rotary Club to other service clubs in the City of Modesto desiring to utilize said service club signboard shall be uniform and designed to cover only land rent, if any, sign installation, sign maintenance, and sign replacement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1077

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ELWIN YOUNG, JR., AND SUSAN YOUNG FOR THE LEAST OF GOLDSWORTHY PARK SITE**

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Elwin Young, Jr., and Susan Young for the lease of Goldsworthy Park site

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyze  
NORRINE COYZE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1078

A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE TO LOAN MONIES TO THE SCHOOL SITE AND FACILITIES TAX FUND FROM THE SPECIAL FUND FOR CAPITAL OUTLAY AND ESTABLISHING TERMS FOR REPAYMENT.

WHEREAS, the City of Modesto by Sections 8-2.1001 et seq of the Modesto Municipal Code, has implemented a School Site and Facilities Tax to provide an additional source of revenue for school site acquisition and improvements, and

WHEREAS, revenues generated from the School Site and Facilities Tax might not accrue at a sufficient rate to provide for all proposed expenditures at the time they may be approved by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that the Director of Finance is authorized to loan monies to the School Site and Facilities Tax Fund (Fund 300) from the Special Fund for Capital Outlay (Fund 321) as required to meet approved expenditures from the School Site and Facilities Tax Fund, the cumulative amount so loaned shall not exceed \$1,500,000 at any one time.

BE IT FURTHER RESOLVED that all monies so loaned shall be repaid to the Special Fund for Capital Outlay (Fund 321) on a monthly basis to the extent cash balances are available in the School Site and Facilities Tax Fund (Fund 300).

BE IT FURTHER RESOLVED that all monies loaned to the School Site and Facilities Tax Fund (Fund 300) shall be subject to an interest rate equal to the average annual rate which the City would earn on such monies if they were invested as part of the City's ongoing investment program, such interest to be charged to said School Site and Facilities Tax Fund (Fund 300) as of June 30th each year based on the outstanding monthly loan balances for that year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 1079

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. 67-66 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 an amendment 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. The Position Classification Plan of the City of Modesto is hereby amended to create two new classifications as follows:

CLASSIFICATIONS CREATED

Lead Coach Mechanic

Coach Mechanic

SECTION 2. The specifications for the classifications created, as shown on the attached Exhibits "A" and "B" which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

DEFINITION

Under general supervision, to serve as lead worker and participant in the work of a small number of employees performing mechanical repairs to the City's transit coaches, street sweepers, automotive and other power driven gas and diesel equipment; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

Positions in this class are distinguished from the class of Equipment Mechanic, Lead Equipment Mechanic and Senior Equipment by the assignment to nighttime shifts.

EXAMPLES OF DUTIES

Leads and assists a crew which inspects, diagnoses, and locates mechanical problems on City transit coaches and street sweepers; determines extent of necessary repairs; overhauls, repairs, and adjusts diesel and gasoline engines, manual and automatic transmissions, differentials, and electrical and fuel components; repairs and adjusts transit coach air conditioning systems and motorized sweeper brushes; fabricates or adapts mechanical equipment including acetylene and electric-arc welding; maintains work, time and material records; trains, assists and provides guidance to other Coach Mechanics.

SPECIAL REQUIREMENTS

Possession of appropriate operator's license issued by California Department of Motor Vehicles. Possession of a complete set of mechanic hand tools through 1- $\frac{1}{4}$ " and tool box.

EMPLOYMENT STANDARDS

Knowledge of:

Tools, equipment, and procedures used in overhaul repair and adjustment of diesel, automotive and related power driven equipment;  
 Operation and care of diesel and gasoline internal combustion engines;  
 Operation and care of transit coach air conditioning systems;  
 Use of automotive shop tools and equipment;  
 Methods used in electric-arc and acetylene welding;  
 Principles of supervision and training;  
 Safe work practices and procedures.

and

Ability to:

Supervise the work of a crew engaged in transit coach, motor sweeper, and other equipment maintenance and repair;  
 Provide training to less experienced employees;  
 Assist with the scheduling of mechanical repair work;  
 Inspect automotive and related power-driven equipment to locate difficulties and estimate the cost and time of repairs;  
 Perform minor and major mechanical work on City owned mechanical equipment;  
 Use a variety of tools and equipment with skill;  
 Maintain shop and repair records;  
 Understand and carry out oral and written directions;  
 Understand and comply with new safety procedures and requirements that are developed;  
 Establish and maintain cooperative relationships with those contacted during the course of work.

and

Exhibit "A"

**Experience:**

Two years of full time journey-level experience in the maintenance and repair of automotive and other power-driven equipment.

## DEFINITION

Under general supervision, to make minor and major repairs on the City's transit coaches, street sweepers, and automotive and other power driven gas and diesel equipment; and to do related work as required.

## DISTINGUISHING CHARACTERISTICS

Positions in this class are distinguished from the class of Equipment Mechanic by the assignment to nighttime shifts.

## EXAMPLES OF DUTIES

Inspects, diagnoses, and locates mechanical problems on City transit coaches and street sweepers; determines extent of necessary repairs; overhauls, repairs, and adjusts diesel and gasoline engines, manual and automatic transmissions, differentials, and electrical and fuel components; repairs and adjusts transit coach air conditioning systems and motorized sweeper brushes; fabricates or adapts mechanical equipment including acetylene and electric-arc welding; maintains work, time and material records.

## SPECIAL REQUIREMENTS

Possession of appropriate operator's license issued by California Department of Motor Vehicles. Possession of a complete set of mechanic hand tools through 1- $\frac{1}{4}$ " and tool box.

## EMPLOYMENT STANDARDS

### Knowledge of:

Tools, equipment, and procedures used in overhaul repair and adjustment of diesel, automotive and related power driven equipment;  
Operation and care of diesel and gasoline internal combustion engines;  
Operation and care of transit coach air conditioning systems;  
Use of automotive shop tools and equipment;  
Methods used in electric-arc and acetylene welding;  
Safe work practices and procedures.

and

### Ability to:

Inspect automotive and related power-driven equipment to locate difficulties and estimate the cost and time of repairs;  
Perform minor and major mechanical work on City owned mechanical equipment;  
Use a variety of tools and equipment with skill;  
Maintain shop and repair records;  
Understand and carry out oral and written directions;  
Understand and comply with new safety procedures and requirements that are developed;  
Establish and maintain cooperative relationships with those contacted during the course of work.

and

### Experience:

Two years of full time journey-level experience in the maintenance and repair of automotive and other power-driven equipment.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1080

A RESOLUTION REVISING THE SPECIFICATIONS FOR THE CLASSIFICATIONS OF SENIOR EQUIPMENT MECHANIC, EQUIPMENT SERVICE WORKER, EQUIPMENT MECHANIC, AND LEAD EQUIPMENT MECHANIC PROVIDED UNDER THE POSITION CLASSIFICATION PLAN OF THE CITY OF MODESTO.

WHEREAS, revisions to the job specifications for the classifications of Senior Equipment Mechanic, Equipment Service Worker, Equipment Mechanic, and Lead Equipment Mechanic in the City of Modesto's Position Classification Plan have been recommended by the City Manager, and

WHEREAS, said revisions have been recommended to adjust the examples of duties to more fully reflect the actual work done by the incumbents in the various classifications.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the job specifications for the positions of Senior Equipment Mechanic, Equipment Service Worker, Equipment Mechanic and Lead Equipment Mechanic be revised as shown on the attached Exhibits "A", "B", "C" and "D", which by this reference are made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the specifications for Senior Equipment Mechanic, Equipment Service Worker, Equipment Mechanic and Lead Equipment Mechanic as shown on Exhibits "A", "B", "C" and "D" are hereby approved and made a part of the Position Classification Plan 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 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

## SENIOR EQUIPMENT MECHANIC

### DEFINITION

Under general supervision, to perform the more difficult mechanical repairs to automotive and other power driven gas and diesel equipment; to maintain service schedules, shop orders and employee time records; to provide training and guidance to other repair personnel; and to do related work as required.

### DISTINGUISHING CHARACTERISTICS

Positions in this class are distinguished from the class of Equipment Mechanic by the scheduling of work loads and the assignment of specialized repair responsibilities. Positions in this class are assigned to daytime shifts, in contrast to that of the class of Coach Mechanic, which is assigned to nighttime shifts.

### EXAMPLES OF DUTIES

Trains, assists, and provides guidance to other repair personnel; schedules overhauls and other repair shop work; maintains a carefully regulated preventative maintenance program; maintains service schedules, shop orders, and employee time records; performs special repairs on emergency equipment, rescue tools, and high volume pumps; inspects, diagnoses, and locates mechanical problems on City automobiles, trucks, buses, emergency equipment, and a variety of maintenance and construction equipment; determines extent of necessary repairs; overhauls, repairs, and adjusts gasoline and diesel engines, manual and automatic transmissions, differentials, and electrical and fuel components; repairs and adjusts gasoline generators, water pumps, and gas air compressors; fabricates or adapts mechanical equipment including acetylene and electric-arc welding; maintains work, time and material records.

### SPECIAL REQUIREMENTS

Possession of appropriate operator's license issued by California Department of Motor Vehicles. Possession of a complete set of mechanic hand tools through 1- $\frac{1}{4}$ " and tool box.

### EMPLOYMENT STANDARDS

#### Knowledge of:

- Principles of supervision and training;
- Special repairs required on hydraulically operated equipment, high volume pumps, and diesel engines;
- Tools, equipment, and procedures used in the overhaul, repairs, and adjustment of automotive and related power-driven equipment;
- Operation and care of internal combustion engines;
- Use of automotive shop tools and equipment;
- Methods used in electric-arc and acetylene welding;
- Safe work practices and procedures.

and

#### Ability to:

- Supervise the work of a crew engaged in equipment maintenance and repair;
- Maintain shop and repair records;
- Schedule overhaul and other repair shop work;
- Provide training and guidance to other employees;
- Inspect automotive and related power-driven equipment to locate difficulties and estimate the cost and time of repairs;
- Perform minor and major mechanical work on City owned mechanical equipment;

Exhibit "A"

Use a variety of tools and equipment with skill;  
Maintain shop and repair records;  
Understand and carry out oral and written directions;  
Understand and comply with new safety procedures and requirements that are developed;  
Establish and maintain cooperative relationships with those contacted during the course of work.

and

**Experience:**

One year as an Equipment Mechanic with the City of Modesto or three years of full time journey-level experience in the maintenance and repair of automotive and other power-driven equipment.

DEFINITION

Under general supervision, to service and make minor adjustments to automotive and other power-driven equipment; and to do related work as required.

EXAMPLES OF DUTIES

Lubricates automotive and power equipment with the use of air pressure and hand lubrication tools; inspects and charges batteries; changes and repairs tires and tubes; checks fan belts, bearings, brooms, brakes, lights, and replaces dirt reflectors; drains and refills crankcases; inspects and fills gear boxes with lubricants; replaces light bulbs and fuses; replaces lubricant fittings; changes and adjusts spark plugs; performs minor maintenance and repair such as tune-ups and brake repair; may make minor mechanical adjustments; reports needs for major repairs; maintains lubrication records; operates gasoline pumps; keeps automobiles, trucks and other equipment supplied with gasoline, oil and water; assists an Equipment Mechanic in the performance of major mechanical repairs as required; cleans and washes motorized equipment; sweeps and vacuums car interiors; washes windows, tightens body bolts, sweeps, washes and otherwise keeps shop and equipment in a clean and orderly condition.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles. Possession of a minimum set of mechanic hand tools up to 1" and a tool box.

EMPLOYMENT STANDARDS

Knowledge of:

- Tools, materials and procedures used in repair and adjustment of automotive equipment;
- Lubricating devices, materials, and the maintenance service requirements of automotive and other power-driven equipment;
- Common automotive parts and supplies;
- Safe work practices and procedures;

and

Ability to:

- Demonstrate a high degree of mechanical aptitude;
- Perform heavy manual labor;
- Understand and carry out oral and written directions;
- Maintain simple records;
- Read and write at the level required for successful job performance;
- Maintain cooperative working relationships.

and

Experiences:

- One year of recent experience in garage or service station work involving the maintenance and repair of automotive equipment.

## EXHIBIT "C" EQUIPMENT MECHANIC

### DEFINITION

Under general supervision, to make minor and major mechanical repairs to automotive and other power driven gas and diesel equipment, and to do related work as required.

### EXAMPLES OF DUTIES

Inspects, diagnoses, and locates mechanical problems on City automobiles, trucks, buses, emergency equipment, and a variety of maintenance and construction equipment; determines extent of necessary repairs; overhauls, repairs, and adjusts gasoline and diesel engine, manual and automatic transmissions, differentials, and electrical and fuel components; repairs and adjusts gasoline generators, water pumps, and gas air compressors; fabricates or adapts mechanical equipment including acetylene and electric-arc welding; maintains work, time and material records.

### SPECIAL REQUIREMENTS

Possession of appropriate operator's license issued by California Department of Motor Vehicle. Possession of a complete set of mechanic hand tools through 1-1/4" and tool box.

### EMPLOYMENT STANDARDS

#### Knowledge of:

Tools, equipment, and procedures used in the overhaul, repairs, and adjustment of automotive and related power-driven equipment;  
Operation and care of internal combustion engines;  
Use of automotive shop tools and equipment;  
Techniques used in electric-arc and acetylene welding;  
Safe work practices and procedures.

and

#### Ability to:

Inspect automotive and related power-driven equipment to locate difficulties and estimate the cost and time of repairs;  
Perform minor and major mechanical work on city owned mechanical equipment;  
Use a variety of tools and equipment with skill;  
Maintain shop and repair records;  
Understand and carry out oral and written directions;  
Understand and comply with new safety procedures and requirements that are developed;  
Establish and maintain cooperative relationships with those contacted during the course of work.

and

#### Experience:

Two years of full time journey-level experience in the maintenance and repair of automotive and other power-driven equipment.

DEFINITION

Under general supervision, to serve as lead worker and participant in the work of a small number of employees performing mechanical repairs on emergency and heavy equipment; to perform regular mechanical repair work; to provide training and guidance to other repair personnel; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

Positions in this class are distinguished from the class of Equipment Mechanic by the assignment of specialized repair responsibilities on diesel equipment, emergency equipment, and performing hydraulics work. Also, they provide lead supervision to a small number of other employees. Positions in this class are assigned to daytime shifts, in contrast to that of the class of Coach Mechanic, which is assigned to nighttime shifts.

EXAMPLES OF DUTIES

Leads and assists a crew in inspecting, diagnosing, and locating mechanical difficulties on city automobiles, trucks, emergency equipment, and a variety of maintenance and construction equipment; determines extent of necessary repairs; overhauls, repairs, and adjusts gasoline and diesel engines, manual and automatic transmission difficulties, and electrical and fuel components; repairs and adjusts gasoline generators, water pumps, and diesel and gas compressors; fabricates or adapts mechanical equipment including acetylene and electric-arc welding; performs special repairs on emergency equipment, rescue tools, and high volume pumps; performs pump tests for volume and pressure performance and makes necessary repairs; performs extensive repair work on diesel powered equipment; trains, assists, and provides guidance to other Equipment Mechanics; establishes the scheduling of repair shop work; maintains work, time, and material records.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles. Possession of a complete set of mechanic hand tools through 1- $\frac{1}{4}$ " and tool box.

EMPLOYMENT STANDARDS

Knowledge of:

- Tools, equipment, and procedures used in the overhaul, repairs, and adjustment of automotive equipment;
- The operation and care of internal combustion engines, and of parts, and replacements;
- The use of automotive shop tools and equipment;
- Methods used in electric-arc and acetylene welding;
- Special repairs required on hydraulically operated equipment, high volume pumps, and diesel engines;
- Principles of supervision and training;
- Safe work practices and procedures.

and

**Ability to:**

- Supervise the work of a crew engaged in equipment maintenance and repair;
- Provide training to less experienced employees;
- Assist with the scheduling of mechanical repair work;
- Inspect automotive and related power-driven equipment to locate difficulties and estimate the cost and time of repairs;
- Perform minor and major mechanical work on City owned mechanical equipment;
- Perform specially assigned mechanical repair work on hydraulically operated equipment, high volume pumps, and diesel engines;
- Use a variety of tools and equipment with skill;
- Maintain shop and repair records;
- Understand and carry out oral and written directions;
- Understand and comply with new safety procedures and requirements that are developed;
- Establish and maintain cooperative relationships with those contacted during the course of work.

and

**Experience:**

- Two years of full time journey level working experience in the maintenance and repair of automotive and other power-driven equipment.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1081

A RESOLUTION AMENDING EXHIBIT "F" OF RESOLUTION NO. 77-660 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE".

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 77-660. Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78" attached to Resolution No. 77-660, is hereby amended as shown on the amended Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "F" adds the positions Lead Coach Mechanic to Range 125.0, and Coach Mechanic to Range 124.0.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

CITY OF MODESTO  
ALPHABETICAL LISTING OF CLASSIFICATIONS IN CITY SERVICE  
1978-79

(Effective 7-7-78, amended 7-24-78, 10-9-78)

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
111.5	Account Clerk I	433.0	Chief Building Official
114.5	Account Clerk II	429.0	Chief Electrician
116.5	Account Clerk III	N/A	Chief of Police
119.5	Account Clerk IV	N/A	City Attorney
426.0	Accountant	N/A	City Clerk and Auditor
432.0	Accounting Administrator	N/A	City Manager
426.0	Administrative Analyst	117.5	Civil Engineering Technician I
426.5	Administrative Assistant (Parking & Traffic)	120.5	Civil Engineering Technician II
429.0	Airport Manager	123.5	Civil Engineering Technician III
424.5	Airport Maintenance Supervisor	426.5	Civil Engineering Technician IV
118.5	Animal Control Officer	124.0	Coach Mechanic
122.0	Assistant Building Inspector	120.5	Community Service Officer
633.0	Assistant Chief of Police	119.5	Computer Operator
434.0	Assistant City Attorney	125.0	Construction Inspector
420.5	Assistant City Clerk	426.5	Data Processing Supervisor
429.0	Assistant Civil Engineer	427.0	Deputy City Attorney I
436.0	Assistant Director of Public Works	312.0	Detective
122.5	Assistant Electrician	N/A	Director of Finance
532.0	Assistant Fire Chief	N/A	Director of Management Services
426.0	Assistant Planner	N/A	Director of Parking and Traffic
426.0	Assistant Property Agent	N/A	Director of Parks and Recreation
122.0	Assistant Public Services Inspector	N/A	Director of Planning and Community Development
122.0	Assistant Zoning Inspector	N/A	Director of Public Works and City Engineer
432.0	Associate Civil Engineer		
429.0	Associate Planner	120.5	Electrical Technician
529.0	Battalion Chief	118.5	Electrical Trainee
426.0	Budget Accountant	124.5	Electrician
125.0	Building Inspector	122.0	Equipment Mechanic
424.5	Building Maintenance Supervisor	120.5	Equipment Operator
120.5	Building Maintenance Worker	427.0	Equipment Repair Shop Supervisor
122.5	Building Maintenance Leadworker	119.5	Equipment Service Worker

Exhibit "F"

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
120.5	Financial Specialist	113.5	Office Services Clerk
N/A	Fire Chief	122.5	Office Services Supervisor
211.0	Fire Engineer	117.5	Offset Duplicating Equipment Operator
210.0	Fire Fighter		
213.0	Fire Lieutenant	122.5	Parking and Traffic Leadworker
112.0	Fire Prevention Inspector Trainee	120.5	Parking and Traffic Maintenance Worker
		122.5	Parks Maintenance Leadworker
122.5	Heavy Equipment Operator	424.5	Parks Maintenance Supervisor I
120.5	Housing Conservationist	426.5	Parks Maintenance Supervisor II
432.0	Housing Program Officer	112.0	Parks Maintenance Trainee
		118.5	Parks Maintenance Worker I
125.0	Industrial Waste Inspector	120.5	Parks Maintenance Worker II
		433.0	Parks and Recreation Superintendent
116.5	Janitor	413.5	Personnel Clerk I
123.0	Junior Accountant	410.5	Personnel Clerk II
126.0	Junior Civil Engineer	431.0	Personnel Manager
123.0	Junior Planner	420.5	Personnel Technician I
		423.5	Personnel Technician II
114.5	Keypunch Operator	426.0	Plan Review Engineer I
		429.0	Plan Review Engineer II
122.5	Laboratory Technician	117.5	Planning Technician I
116.5	Laborer	122.5	Planning Technician II
420.0	Landscape Designer	123.5	Planning Technician III
428.0	Lead Building Inspector	632.0	Police Captain
125.0	Lead Coach Mechanic	630.0	Police Lieutenant
126.0	Lead Electrician	310.0	Police Officer
123.0	Lead Equipment Mechanic	117.5	Police Property Clerk
418.5	Legal Secretary	425.0	Police Records Supervisor
		627.0	Police Sergeant
429.0	Management Assistant	425.0	Police Services Supervisor
429.0	Management Assistant (Risk Manager)	420.0	Programmer Analyst
113.5	Microfilm and Graphics Technician	435.0	Property Agent
115.5	Microfilm and Graphics Technician II	125.0	Public Services Inspector
120.5	Motor Sweeper Operator	114.5	Public Services Trainee
424.0	Museum Supervisor	122.5	Public Works Leadworker
122.5	Nursery Propagator		

ALPHABETICAL LISTING (Continued)

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
112.0	Public Works Maintenance Trainee	113.5	Telephone Operator-Receptionist
118.5	Public Works Maintenance Worker I	429.0	Transit Manager
120.5	Public Works Maintenance Worker II	122.5	Tree Trimmer I
424.5	Public Works Supervisor I	122.5	Tree Trimmer II
426.5	Public Works Supervisor II	111.5	Typist Clerk I
120.5	Pump Maintenance Worker	113.5	Typist Clerk II
124.0	Purchasing Assistant		
429.0	Purchasing Officer	424.5	Warehouse Supervisor
		118.5	Wastewater Treatment Plant Attendant
426.0	Recreation Supervisor	122.5	Wastewater Treatment Plant Mechanic
125.0	Rehabilitation Specialist	120.5	Wastewater Treatment Plant Operator I
		122.5	Wastewater Treatment Plant Operator II
116.5	Secretary I	426.5	Wastewater Treatment Plant Supervisor
418.5	Secretary II	428.0	Water Quality Control Superintendent
420.5	Secretary to the City Attorney	114.5	Word Processing Technician I
421.5	Secretary to the City Manager	116.5	Word Processing Technician II
426.5	Senior Building Inspector	113.5	Word Processing Trainee
124.0	Senior Equipment Mechanic		
432.0	Senior Planner	125.0	Zoning Inspector
428.0	Senior Rehabilitation Specialist		
423.5	Social Services Coordinator		
114.5	Stenographer Clerk		
117.5	Storeskeeper I		
123.5	Storeskeeper II		
120.5	Street Trees Maintenance Worker II		
116.5	Supervising Clerk I		

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1082

A RESOLUTION ANNEXING CERTAIN UNINHABITED TERRITORY  
DESCRIBED HEREIN AND DESIGNATED AS BRIGGS NO. 1  
ANNEXATION TO THE CITY OF MODESTO,  
WITHOUT NOTICE OR HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by all of the owners of land residing within territory in the County of Stanislaus requesting annexation of the Briggs No. 1 Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated September 27, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Municipal Organization Act of 1977, as amended, have been complied with.
2. The area or territory designated as the Briggs No. 1 Annexation to the City of Modesto is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 Completion in regard to the environmental impact of said annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Robert Campbell*  
Public Works Department

## BRIGGS NO. 1 ANNEXATION

All that real property in the State of California, being a portion of the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being all of Lot 3 of the RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO, as per map filed October 10, 1904, in Volume 2 of Maps, Page 1, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the Northwest corner of the GANT ADDITION (138), as per description filed October 18, 1962, as Instrument 39842, Stanislaus County Records;

1. thence continuing along the existing City Limits and the Western line of said ADDITION (138), South  $00^{\circ} 25' 00''$  West, 466.68 feet;
2. thence leaving the existing City Limits, North  $89^{\circ} 35' 00''$  West, 466.68 feet;
3. thence North  $00^{\circ} 25' 00''$  East, 496.68 feet, to the center line of 60.00 foot Briggs Avenue;
4. thence along the center line of Briggs Avenue, South  $89^{\circ} 35' 00''$  East, 466.68 feet;
5. thence South  $00^{\circ} 25' 00''$  West, 30.00 feet, to the point of beginning, containing 5.321 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1083

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
LINDA GREEK TO HARVEST ENGLISH WALNUTS FROM CITY TREES**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto

that the agreement between the City of Modesto and Linda Greek to harvest English Walnuts from City trees at Dryden Municipal Golf Course, Roosevelt Park, City Pump Station #14, City Pump Station, the Mancini Park property, south side of Tuolumne River near Ninth Street Bridge approach, and at the 3+ acres at the northeast corner of Legion Park Drive and Santa Cruz Avenue

be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 1084

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS  
PROPERTY.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, one 1972 two-ton Dodge dump truck and one 1976 Dodge patrol car have recently become surplus property as a result of new equipment purchases,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Manager is hereby authorized and directed to sell to the highest bidder the following items of personal property of the City of Modesto. Said personal property is hereby found to be surplus.

<u>Equipment Number</u>	<u>Year</u>	<u>Unit</u>
40242	1972	2-ton Dodge dump truck
85011	1976	Dodge patrol car

SECTION 2. The sales shall be conducted by the City Manager or by such person as he may select for this purpose. All items of property not sold as provided for above shall be disposed of in such manner as the City Manager deems to be in the best interest of the City.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1085

A RESOLUTION APPROVING THE FINAL MAP OF THE  
WYCLIFFE HEIGHTS NO. 2  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Arthur J. Wylie and Florence E. Wylie, husband and wife

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~~is~~ (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 7.408 acres, known as the  
Wycliffe Heights No. 2 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 22nd day of  
April, 1978, 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 Wycliffe Heights No. 2  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

*Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1086

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ABEL R. PULIDO AND LUPE L. PULIDO FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 301 HOSMER AVENUE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Abel R. Pulido and Lupe L. Pulido for sewer service to property outside City limits at 301 Hosmer Avenue, located on the north side of Hosmer Avenue between South 7th Street and South 9th Street be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1087

A RESOLUTION APPROVING THE REQUEST OF J.M. KECKLER COMPANY FOR REFUND OF OVERPAYMENT OF THEIR BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of J.M. Keckler Company for a refund of \$3,613.48 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 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1088

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,300 FROM GENERAL RESERVE FOR ADULT RECREATIONAL BASKETBALL PROGRAM

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: General Reserve \$2,300.00  
(Acct. 60-800-101)

TO: Services, Professional and Other \$2,300.00  
(Acct. 235-320-101)

Adult recreational basketball team registration has doubled this fiscal year. We budgeted funds for this program based upon last year's registration, and therefore, do not have enough money for the program. The \$2,300.00 will be totally offset by fees charged.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1089

A RESOLUTION APPOINTING MEMBERS OF THE MODESTO YOUTH COMMISSION,  
TERMS TO EXPIRE ON JUNE 30, 1979 (Eric Robbins, Steve Recca,  
Ross Lee)

WHEREAS, Section 1102 of the Charter of the City of Modesto  
authorizes the City Council to appoint members to various Boards and  
Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto as follows:

SECTION 1. The following persons <sup>are</sup> hereby appointed to the  
Modesto Youth Commission for the respective

term as indicated:

Eric Robbins	Steve Recca	Ross Lee
Davis High School	Downey High School	Modesto High School
300 Greenwich	1314 Edgebrook Dr.	3500 Vivian Ave.
Modesto, Ca.	Modesto, Ca.	Modesto, Ca.
Term expires: 6/30/79	Term expires: 6/30/79	Term expires: 6/30/79

SECTION 2. The City Clerk is hereby directed to transmit a copy  
of this resolution to the newly appointed members of the Modesto  
Youth Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 16th day of October,  
19 78, by Councilmember Mensing, who moved its adoption,  
which motion being duly seconded by Councilmember Siefkin, was  
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1090

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF STANDIFORD AVENUE FROM WEST OF CARVER ROAD TO TULLY ROAD**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for construction of Standiford Avenue from west of Carver Road 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 November 14, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1091

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR CONSTRUCTION OF EAST LALOMA PARK**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of East LaLoma Park copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 14, 1978 at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST:

  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1092

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF PUMP STATION NO. 43**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of Pump Station No. 43

copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 7, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1093**

**A RESOLUTION ACCEPTING THE BID OF WESTERN PIPELINE COMPANY FOR  
CONSTRUCTION OF SUBTRUNK SEWER IN BLUE BIRD DRIVE**

**WHEREAS, Resolution No. 78-985 , adopted by the Council of the  
City of Modesto on September 18, 1978 , approved the plans and speci-  
fications for the construction of subtrunk sewer in Blue Bird Drive**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of subtrunk  
sewer in Blue Bird Drive  
were opened at 11:10 a.m. on October 3, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Western Pipeline Company in the amount of \$11,225.00  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Western Pipeline Company in the amount of \$11,225.00  
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 23rd day of October,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1094**

**A RESOLUTION ACCEPTING THE BID OF JOE MARTIN FOR CONSTRUCTION OF WATERLINES IN SISK ROAD**

**WHEREAS, Resolution No. 78-1003 , adopted by the Council of the City of Modesto on September 28, 1978, approved the plans and specifications for the construction of waterlines in Sisk Road**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterlines in Sisk Road were opened at 11:05 a.m. on October 10, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Joe Martin in the amount of \$10,951.20**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Joe Martin in the amount of \$10,951.20**

**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 23rd day of October,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1095

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF SONOMA PARK STAGE I**

WHEREAS, a report has been filed by the Director of Public Works that the construction of Sonoma Park Stage I

has been completed by George Reed, Inc.

in accordance with the contract agreement dated July 10, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of Sonoma Park Stage I

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 \$72,974.78 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 October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1096

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF REPAIRS AND IMPROVEMENTS  
TO 10TH AND H STREET PARKING LOT**

WHEREAS, a report has been filed by the Director of Parking and Traffic that the construction of repairs and improvements to 10th and H Street parking lot has been completed by Elrich Construction Company

in accordance with the contract agreement dated July 17, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of repairs and improvements to 10th and H Street parking lot be accepted from said contractor, Elrich Construction Company;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$14,470.00 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 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mensinger

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1097

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (202).

WHEREAS, a verified application for an amendment to Section  
13-3-8 of the Zoning Map was filed by Paul Rumble  
\_\_\_\_\_ on July 17, 1978, to  
reclassify from Medium Density Residential Zone, R-2  
\_\_\_\_\_ to Planned-Development Zone, P-D, the following described property:

All that certain real property situate in a portion of the Northwest quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All of Parcel 3 as shown on the Parcel Map, filed in Book 26 of Parcel Maps at Page 103, Stanislaus County Records.

Including also the Southerly 30 feet of Rumble Road immediately adjacent to said Parcel 3.

Containing 1.68 acres.

WHEREAS, after a public hearing held on August 15, 1978, and continued to September 5, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed P-D Zone will allow a special and unique agricultural type land use in an area of commercial transition between general commercial uses on ~~the west and~~ residential and institutional land to the east.
2. The proposed P-D Zone is the best means by which the City can regulate and approve the land use which involves a combination fruit and produce sales and storage establishment which does not precisely fit into a regular land use category.

WHEREAS, after a public hearing held on October 23, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Paul Rumble for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1780 -C.S. on the 23rd day of October, 1978, reclassifying the above-described property from Medium Density Residential Zone, R-2 to Planned-Development Zone, P-D (202).

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 (202), is hereby approved in accordance with the plan titled "Plan to Accompany Application, Planned Development, for Paul Rumble" \_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on September 5, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the above referenced plan.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. The landscaping and the irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system. Landscaping along the east and west sides shall be designated "screen landscaping".
3. That all landscaping, fences, and walls shall be maintained, and the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to the public water and sewer facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved to City standards including the provisions of Sections 10-2.1801, 10-2.1804, and 10-2.1808 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.
6. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If a trash enclosure is used, it shall be constructed of the same building materials used in the main buildings or as approved by the Director of Planning and Community Development.
7. That all signs within the project shall comply with the sign requirements of the H-1 Zone. No signs shall be permitted on the east face of the buildings, adjacent to residentially zoned property.
8. That all outdoor lighting shall be shielded from adjacent residentially zoned areas in accordance with the requirements of the City Engineer.

9. That prior to occupancy of the premises, the developer shall install all Rumble Road street improvements to current City of Modesto Standards pursuant to approved improvement plans prepared by a registered Civil Engineer. Full sidewalk shall be constructed along Rumble Road.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (202) :

That the entire construction program be accomplished in one phase with construction to begin on or before January 1, 1980, and be completed not later than January 1, 1981.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 of Title I 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 (202) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William P. Smith  
Department of Planning and Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1098

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 13-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PAUL RUMPLE)

WHEREAS, on October 23, 1978, the City Council adopted Ordinance No. 1780-C.S. giving approval to a project relating to an amendment to Section Map 13-3-8 of the Zoning Map to rezone certain property from Medium Density Residential Zone, R-2 to Planned-Development Zone, P-D(202)

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 13-3-8 of the Zoning Map to rezone certain property from Medium Density Residential Zone, R-2 to Planned-Development Zone, P-D(202)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1099

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (OAKDALE-FLOYD NO. 2 ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on September 5, 1978, duly adopted Resolution No. 78-954 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 182 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, October 23, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 182 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 182 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 182, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 182, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Rose Campbell  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on October 23, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember ~~Kullijian~~, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: October 24, 1978

Norrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

OAKDALE-FLOYD NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Beginning at a point on the existing City Limits as established by the Eastern Line of FLOYD ADDITION (259), as per description filed August 17, 1970, as Instrument 26194, Stanislaus County Records;

1. thence along the existing City Limits and the Eastern line of said ADDITION (259), North  $00^{\circ} 01' 18''$  East, 660.56 feet, to the Southern line of OAKDALE-FLOYD ADDITION (265), as per description filed January 5, 1971, as Instrument 192, Stanislaus County Records, and the center line of 40.00 foot Floyd Avenue;
2. thence continuing along the existing City Limits and said center line South  $89^{\circ} 23' 34''$  East, 1640.56 feet, to the center line of 100.00 foot Oakdale Road;
3. thence leaving the existing City Limits along Oakdale Road, South  $00^{\circ} 01' 26''$  West, 650.96 feet;
4. thence North  $89^{\circ} 22' 44''$  West, 1640.54 feet, to the point of beginning, containing 24.88 acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1100

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (KANSAS AVENUE ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on September 5, 1978, duly adopted Resolution No. 78-956 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 183 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, October 23, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 183 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 183 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 183, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 183, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Kullijian.

who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Bob Campbell  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on October 23, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Kullijian, seconded by Councilmember Lang, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: October 24, 1978

Norrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

KANSAS AVENUE ADDITION  
TO THE SEWER DISTRICT

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Western line of the KANSAS AVENUE ADDITION (378), as per description filed July 24, 1978, as Instrument 4617, Stanislaus County Records, said line being common to Sections 30 and 29;

1. thence continuing along the existing City Limits and the quarter section line, South  $00^{\circ} 35' 05''$  East, 600.64 feet, to the Southern right-of-way line of future State Highway 132;
2. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $52^{\circ} 22' 45''$  West, 396.48 feet;
3. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $89^{\circ} 47' 00''$  West, 12.17 feet;
4. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $52^{\circ} 22' 45''$  West, 241.08 feet;
5. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $56^{\circ} 48' 27''$  West, 208.53 feet;
6. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $65^{\circ} 30' 34''$  West, 288.33 feet;
7. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $76^{\circ} 34' 00''$  West, 385.37 feet;
8. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $86^{\circ} 18' 44''$  West, 107.80 feet;
9. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $89^{\circ} 47' 00''$  West, 1236.26 feet;
10. thence continuing along the existing City Limits and an Eastern line of said ADDITION (378), South  $00^{\circ} 12' 07''$  East, 492.85 feet;
11. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $89^{\circ} 28' 07''$  West, 564.67 feet;
12. thence continuing along the existing City Limits and a Western line of said ADDITION (378), North  $00^{\circ} 12' 07''$  West, 492.99 feet;
13. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), North  $89^{\circ} 28' 22''$  West, 821.33 feet;

14. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $89^{\circ} 12' 44''$  West, 376.14 feet;
15. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $86^{\circ} 53' 24''$  West, 375.52 feet;
16. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $80^{\circ} 04' 49''$  West, 386.02 feet;
17. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $30^{\circ} 24' 37''$  West, 165.75 feet;
18. thence continuing along the existing City Limits and the Southern line of said ADDITION (378), South  $89^{\circ} 28' 26''$  West, 45.00 feet, to the center line of 90.00 foot Carpenter Road;
19. thence continuing along the existing City Limits and a Western line of said ADDITION (378), North  $00^{\circ} 31' 34''$  West, 650.00 feet;
20. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, North  $89^{\circ} 28' 26''$  East, 45.00 feet;
21. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, South  $47^{\circ} 33' 16''$  East, 125.90 feet;
22. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, South  $80^{\circ} 49' 38''$  East, 543.24 feet;
23. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, South  $86^{\circ} 03' 28''$  East, 493.01 feet;
24. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, South  $89^{\circ} 30' 35''$  East, 800.00 feet;
25. thence continuing along the existing City Limits and the Northern right-of-way line of future State Highway 132, North  $88^{\circ} 45' 57''$  East, 664.56 feet;
26. thence leaving the existing City Limits and continuing along the Northern right-of-way line of future State Highway 132, North  $84^{\circ} 15' 36''$  East, 32.73 feet;
27. thence continuing along the Northern right-of-way line of future State Highway 132, South  $89^{\circ} 47' 00''$  East, 936.13 feet;
28. thence continuing along the Northern right-of-way line of future State Highway 132, North  $83^{\circ} 55' 51''$  East, 328.88 feet;

29. thence continuing along the northern right-of-way line of future State Highway 132, South  $84^{\circ} 01' 16''$  East, 667.74 feet;
30. thence continuing along the Northern right-of-way line of future State Highway 132, South  $89^{\circ} 47' 15''$  East, 48.10 feet, to a point on a curve;
31. thence continuing along the Northern right-of-way line of future State Highway 132, through a curve concave to the Southwest, having a Central Angle of  $19^{\circ} 00' 07''$ , a Radius of 920.00 feet, and an Arc Length of 305.12 feet;
32. thence continuing along the Northern right-of-way line of future State Highway 132, South  $63^{\circ} 42' 20''$  East, 107.99 feet, to a point on a curve;
33. thence continuing along the Northern right-of-way line of future State Highway 132, through a curve concave to the Southeast, having a Central Angle of  $22^{\circ} 39' 54.5''$ , a Radius of 913.00 feet, and an Arc Length of 361.17 feet, to the Eastern line of said ADDITION (378), to the point of beginning, containing 42.860 Acres, more or less.

RESOLUTION NO. 78-1101 NOT USED

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1102

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
GOTTSCHALK'S FLIGHT CENTER, TO CONDUCT A FIXED BASE OPERATION (FBO)  
AT THE MODESTO CITY/COUNTY AIRPORT/HARRY SHAM FIELD**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that the agreement between the City of Modesto and John F. Gottschalk,  
dba: Gottschalk's Flight Center to conduct a fixed base operation (FBO)  
at the Modesto City-County Airport, effective January 1, 1979

be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement  
by the designated 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  
October, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Siefkin, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: Kullijian

**ABSENT:** Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1103

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
WOODLAND AVENUE FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland Avenue  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Laurel Avenue No. 2 Annexation  
by Resolution No. 78-994 adopted on September 18, 1978, and said  
annexation officially became a part of the City of Modesto on October 2, 1978,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
Woodland Avenue Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

## LAUREL AVENUE NO. 2 ANNEXATION

All that real proerty in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of the LAUREL AVENUE ADDITION (376), as per description filed June 28, 1978, as Instrument 82698, Stanislaus County Records;

1. thence continuing along the existing City Limits along the Western line of said ADDITION (376), South  $01^{\circ} 04' 30''$  West, 484.22 feet, to the South right-of-way line of the Modesto Irrigation District Lateral No. 4;
2. thence leaving the existing City Limits along the South right-of-way line of said Lateral No. 4, North  $73^{\circ} 15' 36''$  West, 146.73 feet;
3. thence continuing along the South right-of-way line of said Lateral No. 4, North  $85^{\circ} 49' 00''$  West, 351.05 feet, to the center line of Emerald Avenue;
4. thence along the center line of Emerald Avenue North  $00^{\circ} 31' 30''$  West, 425.44 feet, to the center line of Laurel Avenue;
- t. thence along the center line of Laurel Avenue, South  $38^{\circ} 57' 30''$  East, 504.60 feet, to the point of beginning, containing 5.064 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1104

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
MC HENRY-DRY CREEK FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the McHenry-Dry Creek  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Coffee No. 3 Annexation  
by Resolution No. 78-995 adopted on September 18, 1978, and said  
annexation officially became a part of the City of Modesto on October 2, 1978,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
McHenry-Dry Creek Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Paul Campbell  
Public Works Department

September 6, 1978

COFFEE NO. 3 ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a point on the Western line of the SYLVAN SCHOOL NO. 2 ADDITION (300), as per description filed January 19, 1973, as Instrument 29981, Stanislaus County Records, said point being on the center line of 70.00 foot Coffee Road and the East line of Section 9;

1. thence leaving the existing City Limits, North  $89^{\circ} 33' 50''$  West, 298.00 feet, to an Eastern line of the WALNUT ACRES ADDITION (157), as per description filed April 14, 1963, as Instrument 18496, Stanislaus County Records;
2. thence along the existing City Limits along an Eastern line of said ADDITION (157), North  $00^{\circ} 47' 20''$  West, 292.38 feet;
3. thence continuing along the existing City Limits and a Southern line of said ADDITION (157), South  $89^{\circ} 33' 50''$  East, 278.00 feet, to the Western line of Coffee Road;
4. thence leaving the existing City Limits, South  $89^{\circ} 33' 50''$  East, 20.00 feet, to the center line of Coffee Road and the East line of Section 9;
5. thence along the center line of Coffee Road and the Eastern line of Section 9, South  $00^{\circ} 47' 20''$  East, 292.38 feet, to the point of beginning, containing 2.000 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1105

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
SALIDA FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Salida  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Snyder Avenue Annexation  
by Resolution No. 78-996 adopted on September 18, 1978, and said  
annexation officially became a part of the City of Modesto on October 2, 1978,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
Salida Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijan, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Bob Campbell  
Public Works Department

## SNYDER AVENUE ANNEXATION

All that property in the State of California, County of Stanislaus, being a portion of the North half of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VENEMAN ADDITION (337), as per description filed January 16, 1976, as Instrument 31886, Stanislaus County Records, said point being on the quarter section line of section 12;

1. thence along the existing City Limits and the Northern line of said ADDITION (337), South  $89^{\circ} 36' 20''$  West, 1604.85 feet;
2. thence leaving the existing City Limits, North  $00^{\circ} 00' 00''$ , 85.11 feet, to a point on a curve;
3. thence along a curve concave to the Southeast, having a Central Angle of  $89^{\circ} 36' 20''$ , a Radius of 15.00 feet, and an Arc Length of 23.46 feet;
4. thence North  $00^{\circ} 00' 00''$ , 1555.04 feet, to a point on the center line of 40.00 foot Snyder Avenue;
5. thence along the center line of Snyder Avenue, North  $89^{\circ} 37' 45''$  East, 1719.59 feet;
6. thence South  $00^{\circ} 00' 45''$  East, 530.00 feet;
7. thence South  $03^{\circ} 19' 09''$  West, 101.09 feet;
8. thence South  $06^{\circ} 22' 12''$  West, 100.00 feet;
9. thence South  $13^{\circ} 26' 31''$  West, 100.00 feet;
10. thence South  $18^{\circ} 19' 17''$  West, 180.00 feet;
11. thence South  $10^{\circ} 40' 11''$  West, 160.00 feet;
12. thence South  $00^{\circ} 00' 45''$  East, 500.00 feet, to the point of beginning, containing 62.062 Acres, more or less.

July 5, 1978

LAUREL AVENUE NO. 2 ANNEXATION

All that real proerty in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of the LAUREL AVENUE ADDITION (376), as per description filed June 28, 1978, as Instrument 82693, Stanislaus County Records;

1. thence continuing along the existing City Limits along the Western line of said ADDITION (376), South  $01^{\circ} 04' 30''$  West, 484.22 feet, to the South right-of-way line of the Modesto Irrigation District Lateral No. 4;
2. thence leaving the existing City Limits along the South right-of-way line of said Lateral No. 4, North  $73^{\circ} 15' 36''$  West, 146.73 feet;
3. thence continuing along the South right-of-way line of said Lateral No. 4, North  $85^{\circ} 49' 00''$  West, 351.05 feet, to the center line of Emerald Avenue;
4. thence along the center line of Emerald Avenue North  $00^{\circ} 31' 30''$  West, 425.44 feet, to the center line of Laurel Avenue;
- t. thence along the center line of Laurel Avenue, South  $88^{\circ} 57' 30''$  East, 503.69 feet, to the point of beginning, containing 5.064 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1106

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (LAUREL AVENUE NO. 2)

WHEREAS, there has been annexed to the City of Modesto by Resolution No. 78-994 on September 18, 19 78, certain territory known as \_\_\_\_\_  
Laurel Avenue No. 2 Annexation, and

WHEREAS, the inclusion of the area contained in \_\_\_\_\_  
Laurel Avenue No. 2 Annexation to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as \_\_\_\_\_  
Laurel Avenue No. 2 Annexation (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 188.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, December 11, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 188.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The southwest corner of the annexation at the eastern line of Emerald Avenue and the southern line of M.I.D. Lateral No. 4.
- (2) The northwest corner of the annexation at the southeast corner of Emerald and Laurel Avenues.
- (3) The northeast corner of the annexation at the southern line of Laurel Avenue.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 188, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ross Campbell*  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on October 23, 1978 of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Siefkin, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: October 24, 1978

Norrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1107

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (COFFEE NO. 3 ANNEXATION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No. 78-995 on September 18, 1978, certain territory known as \_\_\_\_\_  
Coffee No. 3 Annexation, and

WHEREAS, the inclusion of the area contained in \_\_\_\_\_  
Coffee No. 3 Annexation to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as \_\_\_\_\_  
Coffee No. 3 Annexation (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 187.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, December 11, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 187.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The northwest corner of the annexation.
  
- (2) The northeast corner of the annexation at the west line of Coffee Road.
  
- (3) The southeast corner of the annexation at the west line of Coffee Road.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 187, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By R. Campbell  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on October 23, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Siefkin, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: October 24, 1978

Norrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

September 6, 1978

COFFEE NO. 3 ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a point on the Western line of the SYLVAN SCHOOL NO. 2 ADDITION (300), as per description filed January 19, 1973, as Instrument 29981, Stanislaus County Records, said point being on the center line of 70.00 foot Coffee Road and the East line of Section 9;

1. thence leaving the existing City Limits, North  $89^{\circ} 33' 50''$  West, 298.00 feet, to an Eastern line of the WALNUT ACRES ADDITION (157), as per description filed April 14, 1963, as Instrument 18496, Stanislaus County Records;
2. thence along the existing City Limits along an Eastern line of said ADDITION (157), North  $00^{\circ} 47' 20''$  West, 292.38 feet;
3. thence continuing along the existing City Limits and a Southern line of said ADDITION (157), South  $89^{\circ} 33' 50''$  East, 278.00 feet, to the Western line of Coffee Road;
4. thence leaving the existing City Limits, South  $89^{\circ} 33' 50''$  East, 20.00 feet, to the center line of Coffee Road and the East line of Section 9;
5. thence along the center line of Coffee Road and the Eastern line of Section 9, South  $00^{\circ} 47' 20''$  East, 292.38 feet, to the point of beginning, containing 2.000 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1108

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (SNYDER AVENUE ANNEXATION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No.

78-996 on September 18, 1978, certain territory known as \_\_\_\_\_

Snyder Avenue Annexation, and

WHEREAS, the inclusion of the area contained in \_\_\_\_\_

Snyder Avenue Annexation to the Modesto Municipal

Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Snyder Avenue Annexation \_\_\_\_\_ (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 186.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Monday, December 11, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 186.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The northwest corner of the annexation at the southern line of Snyder Avenue.
- (2) The north line of the annexation at the Quarter Corner of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian.
- (3) The northeast corner of the annexation at the southern line of Snyder Avenue.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 186, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ray Campbell  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on October 23, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Siefkin, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: October 24, 1978

Norrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

## SNYDER AVENUE ANNEXATION

All that property in the State of California, County of Stanislaus, being a portion of the North half of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VENEMAN ADDITION (337), as per description filed January 16, 1976, as Instrument 31886, Stanislaus County Records, said point being on the quarter section line of section 12;

1. thence along the existing City Limits and the Northern line of said ADDITION (337), South  $89^{\circ} 36' 20''$  West, 1604.85 feet;
2. thence leaving the existing City Limits, North  $00^{\circ} 00' 00''$ , 85.11 feet, to a point on a curve;
3. thence along a curve concave to the Southeast, having a Central Angle of  $89^{\circ} 36' 20''$ , a Radius of 15.00 feet, and an Arc Length of 23.46 feet;
4. thence North  $00^{\circ} 00' 00''$ , 1555.04 feet, to a point on the center line of 40.00 foot Snyder Avenue;
5. thence along the center line of Snyder Avenue, North  $89^{\circ} 37' 45''$  East, 1719.59 feet;
6. thence South  $00^{\circ} 00' 45''$  East, 530.00 feet;
7. thence South  $03^{\circ} 19' 09''$  West, 101.09 feet;
8. thence South  $08^{\circ} 22' 12''$  West, 100.00 feet;
9. thence South  $13^{\circ} 26' 31''$  West, 100.00 feet;
10. thence South  $18^{\circ} 19' 17''$  West, 180.00 feet;
11. thence South  $10^{\circ} 40' 11''$  West, 160.00 feet;
12. thence South  $00^{\circ} 00' 45''$  East, 500.00 feet, to the point of beginning, containing 62.062 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1109

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSEPH DEANNA FOR THE LEAST OF THE FORMER DR. ANDERSON PROPERTY (19 ACRES - PART OF FUTURE DRY CREEK PARK)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Joseph DeAnna for the least of the former Dr. Anderson property (19 acres - part of future 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 23rd day of October, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1110

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSEPH DEANNA FOR THE LEASE OF A PORTION OF THE FORMER MAXWELL PROPERTY (8 ACRES - PART OF FUTURE DRY CREEK PARK)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Joseph DeAnna

for the lease of a portion of the former Maxwell property (8 acres - part of future 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 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mensinger

**ATTEST:** Norrine Coyle  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1111

A RESOLUTION AUTHORIZING CITY MANAGER TO SIGN REVOCABLE PERMIT FOR THE CITY OF MODESTO FROM HETCH HETCHY WATER AND POWER FOR AN 8-INCH WATER LINE AND 16-INCH CASING, CROSSING THE HETCH HETCHY RIGHT OF WAY AT WESSON RANCH ROAD

BE IT RESOLVED by the Council of the City of Modesto that the City Manager of the City of Modesto is hereby authorized to sign a revocable permit for the City of Modesto from Hetch Hetchy Water and Power for an 8-inch water line and 16-inch casing, crossing the Hetch Hetchy right of way at Wesson Ranch Road.

BE IT FURTHER RESOLVED that the Council of the City of Modesto agrees to the conditions outlined in said revocable permit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1112

**A RESOLUTION ACCEPTING IMPROVEMENTS IN CARPENTER MANOR SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS**

WHEREAS, Ralph E. Carpenter, La Frances Carpenter, R.S. Thomas and Karen Louise Thomas and Raymond P. Stuck, subdividers of Carpenter Manor Subdivision, have filed subdivision Bonds for faithful performance and labor and materials in the amount of \$40,100 and \$20,050 respectively to guarantee improvements in Carpenter Manor Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated October 16, 1978, 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 Carpenter Manor Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$40,100.00 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 \$20,050.00 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 23rd day of October, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Mensinger

ATTEST:

*Norrine Coyle*  
~~NORRINE COYLE, City Clerk~~

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1113

**A RESOLUTION ACCEPTING IMPROVEMENTS IN BLOOMFIELD NO. 2 SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS**

WHEREAS, Altamont Builders,  
subdividers of Bloomfield No. 2 Subdivision , have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$175,900 and \$87,950 respectively to guarantee improvements  
in Bloomfield No. 2 Subdivision ; and

WHEREAS, the Director of Public Works in a memorandum dated  
October 16, 1978 , 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 Bloomfield No. 2 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$175,900.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$87,950.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies

NOES: Councilmembers: None.

ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1114

A RESOLUTION ACCEPTING UMTA GRANT AWARD AND AUTHORIZING CITY MANAGER  
TO EXECUTE GRANT CONTRACTS

WHEREAS, the City has been awarded a \$123,150 reimbursement grant from UMTA for bus operations during FY 1977-78, this amount representing 50% of the net operating deficit of the bus system for that year, with the remainder covered by the Local Transportation Fund; and

WHEREAS, UMTA requires that the Council formally accept the offer of financial assistance, and that staff be authorized to execute the standard grant contracts establishing the terms and conditions under which the grant is awarded.

NOW THEREFORE, BE IT RESOLVED that the City Council accepts the reimbursement grant of \$123,150 from UMTA for bus operations during FY 1977-78, and authorizes the City Manager to sign the statement of acceptance of said grant offer on behalf of the City of Modesto.

BE IT FURTHER RESOLVED that the City Council authorizes the City Clerk to attest the signature of the Manager and to impress the official seal of the City of Modesto on the aforesaid statement of acceptance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mensinger

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1115**

**A RESOLUTION SETTING TIME AND PLACE FOR AN INFORMAL PUBLIC HEARING TO CONSIDER AIR QUALITY STRATEGIES FOR STANISLAUS COUNTY AND IN PARTICULAR THE CITY OF MODESTO**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 6, 1978, 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 air quality strategies for Stanislaus County and in particular, the City of Modesto.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:**

**AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Siefkin, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Mensinger**

**ATTEST:**

*Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1116

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR LAKEWOOD AVENUE SEWER TRUNK TRENCH REPAIR**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for Lakewood Avenue sewer trunk trench 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 November 28, 1978, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1117

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR STREET LIGHT MODERNIZATION PHASE VIII 1978-79 OPENED IN THE OFFICE OF THE CITY CLERK ON OCTOBER 24, 1978 AT 11:05 A.M.

WHEREAS, Resolution No. 78-1045 adopted by the Council of the City of Modesto on October 9, 1978, approved the plans and specifications for street light modernization Phase VIII, 1978-79, and authorized the calling for bids, and

WHEREAS, the bids received for street light modernization Phase VIII, 1978-79, were opened at 11:05 a.m. on October 24, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and

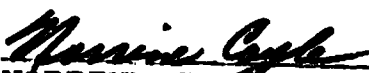
WHEREAS, the low bid of \$107,019.12 submitted by Industrial Electrical Company is 28% above the engineer's estimate of \$87,775.70, and

WHEREAS, the Director of Public Works recommends that all bids be rejected and the City restudy the entire street light modernization program.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for street light modernization Phase VIII, 1978-79, and opened in the office of the City Clerk on October 24, 1978, at 11:05 a.m., are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1118**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS - HOUSING TARGET AREA NO. 1 PHASE III**

**WHEREAS, Resolution No. 78-1028 , adopted by the Council of the City of Modesto on October 2, 1978 , approved the plans and specifications for the construction of public improvements - Housing Target Area No. 1, Phase III**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of public improvements - Housing Target Area No. 1, Phase III were opened at 11:05 a.m. on October 17, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of George Reed, Inc. in the amount of \$39,876.50**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of George Reed, Inc. in the amount of \$39,876.50**

**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 6th day of November,**

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1119

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF FIRE STATION NO. 1  
PARKING LOT PAVING BY LEE WHITE PAVING**

WHEREAS, a report has been filed by the Director of Public Works that the construction of Fire Station No. 1 parking lot paving has been completed by Lee White Paving

in accordance with the contract agreement dated August 21, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of Fire Station No. 1 parking lot paving be accepted from said contractor, Lee White Paving;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$57,441.80 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 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1120

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN "E" STREET,  
BURNEY STREET, WALDEN STREET, AND JAMES STREET**

**WHEREAS, a report has been filed by the Director of Public  
Works that the construction of waterlines in "E" Street,  
Burney Street, Walden Street, and James Street  
has been completed by Joe Martin**

**in accordance with the contract agreement dated March 6, 1978.**

**NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines  
in "E" Street, Burney Street, Walden Street, and James Street  
be accepted from said contractor, Joe Martin;**

**that notice of completion be filed with the Recorder of Stanislaus  
County and that payment of amounts due in the amount of \$57,441.80  
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 6th day of  
November, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:**

**AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: None**

**ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1121

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN LAUREL MEADOWS**

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Laurel Meadows has been completed by Mac's Backhoe Service

in accordance with the contract agreement dated June 26, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Laurel Meadows be accepted from said contractor, Mac's Backhoe Service; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$5,676.00 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 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

- AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on November 6, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Mensing, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Siefkin, Mayor Davies

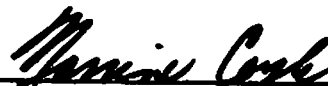
NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: November 7, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1122

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (IRONS COURT ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on September 11, 1978, duly adopted Resolution No. 78-974 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 184 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, November 6, 1978, at the hour of 4:00 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 184 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 184 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 184, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 184, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Mensingher, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Rosal Campbell*  
Public Works Department

IRONS COURT ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southern line of DOWNEY HIGH SCHOOL and JOHN MUIR SCHOOL ADDITION (33), as per description filed July 27, 1950, as Instrument 16443, Stanislaus County Records;

1. thence along the existing City Limits along the Southern line of said ADDITION (33), South  $89^{\circ} 42' 00''$  East, 395.26 feet, to the center line of 60.00 foot Brighton Avenue;
2. thence continuing along the existing City Limits along the center line of Brighton Avenue and the Western line of STRATHMORE ADDITION (226), as per description filed February 13, 1969, as Instrument 4972, Stanislaus County Records, South  $00^{\circ} 20' 00''$  East, 330.02 feet;
3. thence leaving the existing City Limits, North  $89^{\circ} 39' 30''$  West, 395.53 feet;
4. thence North  $00^{\circ} 17' 30''$  West, 329.74 feet, to the point of beginning, containing 2.99 $\frac{1}{2}$  Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1123

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (PARADISE-WADE ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on September 11, 1978, duly adopted Resolution No. 78-975 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 185 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, November 6, 1978, at the hour of 4:00 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 185 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 185 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 185, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 185, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Rose Campbell*  
Public Works Department

PARADISE - WADE ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Southwest corner of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Northwest corner of ROBERTSON NO. 5 ADDITION (210), as per description filed January 29, 1968, as Instrument 3055, Stanislaus County Records, said point being an interior quarter corner of Section 6;

1. thence along the existing City Limits and a Western line of said ADDITION (210), South  $00^{\circ} 01' 00''$  East, 362.94 feet;
2. thence along the existing City Limits and a Northern line of said ADDITION (210), South  $89^{\circ} 45' 45''$  West, 686.01 feet;
3. thence along the existing City Limits and a Western line of said ADDITION (210), South  $00^{\circ} 08' 30''$  West, 967.18 feet, to the center line of Robertson Road;
4. thence leaving the existing City Limits and continuing along the center line of Robertson Road, South  $89^{\circ} 40' 00''$  West, 688.71 feet;
5. thence North  $00^{\circ} 17' 30''$  East, 1320.26 feet, to the Northern line of Peggy Lane;
6. thence along the North line of Peggy Lane, South  $89^{\circ} 46' 55''$  West, 274.13 feet;
7. thence North  $39^{\circ} 49' 04''$  West, 296.58 feet, to the center line of Paradise Road;
8. thence continuing along the center line of Paradise Road, North  $50^{\circ} 05' 57''$  East, 2390.35 feet, to the center line of Wade Avenue and the North-South quarter Section line of Section 6;
9. thence continuing along the center line of Wade Avenue and said quarter Section line, South  $00^{\circ} 00' 49''$  East, 465.91 feet, to the termination of Wade Avenue;
10. thence continuing along said quarter Section line of Section 6, South  $00^{\circ} 00' 49''$  East, 1277.32 feet, to the point of beginning, containing 67.601 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on November 6, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Dunlap, seconded by Councilmember Kullijian, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang,  
Mensing, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: November 7, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1124

A RESOLUTION DENYING THE APPEAL OF ERNEST V. DARPINIAN FROM DECISION AND ORDER NO. 4-78 OF THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO REQUIRING THE INSTALLATION OF BASEMENT SPRINKLERS OR APPROVED ALTERNATIVES IN THE BASEMENT OF THE LOOMIS FLORAL BUILDING, LOCATED AT 1111 "J" STREET IN THE CITY OF MODESTO.

WHEREAS, a public hearing was held by the Board of Building Appeals of the City of Modesto, at 4 o'clock p.m. on August 17, 1978, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider an appeal filed by Ernest V. Darpinian, owner of the property located at 1111 "J" Street, Modesto, California, from the requirement that he install basement sprinklers or approved alternatives in the basement of the Loomis Floral Building, 1111 "J" Street, Modesto, California, and

WHEREAS, at said hearing above referred to, the Board of Building Appeals of the City of Modesto, by its Decision and Order No. 4-78, denied said appeal of Ernest V. Darpinian, and ordered the installation of a sprinkler system or an approved alternative in the basement of the Loomis Floral building located at 1111 "J" Street, Modesto, California, within 90 days after September 1, 1978, and

WHEREAS, by a letter dated August 22, 1978, addressed to the City Clerk of the City of Modesto, Ernest V. Darpinian filed an appeal to the City Council of the City of Modesto, from said Decision and Order No. 4-78 of the Board of Building Appeals, of the City of Modesto, and

WHEREAS, said matter was set for public hearing before the Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 o'clock p.m. on September 25, 1978, at

which time said hearing was continued to November 6, 1978, at 4:00 o'clock p.m, and

WHEREAS, at said continued hearing, the City Council, received and considered evidence both oral and documentary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds as follows:

1. The subject basement is over 1500 square feet in area and constitutes an extreme fire hazard as determined by the Fire Chief of the City of Modesto because of the extreme difficulty in combating any fires which may occur in the basement.

2. The subject building is therefore a dangerous building under the meaning of Section 302(15) of the Modesto Dangerous Buildings Code.

3. There has been more than adequate time to satisfy Decision and Order 1-77 of the Board of Building Appeals requiring a standard automatic fire extinguishing system to be installed by September 1, 1978.

BE IT FURTHER RESOLVED that the appeal of Ernest V. Darpinian to Decision and Order No. 4-78 of the Board of Building Appeals, of the City of Modesto is hereby denied and the order of said Board requiring the installation of basement sprinklers or approved alternatives in the basement of the Loomis Floral Building, located at 1111 "J" Street in the City of Modesto is hereby affirmed.

BE IT FURTHER RESOLVED that the ninety (90) day extension of time granted by the Board of Building Appeals by its Decision and Order No. 4-78 shall commence on November 6, 1978,

The foregoing resolution was introduced at a regular meeting of the

Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian, Lang, Mensinger

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1125

A RESOLUTION DENYING THE APPEAL OF JOHN WARD FROM DECISION AND ORDER NO. 5-78 OF THE BOARD OF BUILDING APPEALS OF THE CITY OF MODESTO, REQUIRING THE INSTALLATION OF BASEMENT SPRINKLERS OR APPROVED ALTERNATIVES IN THE BASEMENT OF THE WARD OFFICE FURNITURE BUILDING, LOCATED AT 1028 TENTH STREET IN THE CITY OF MODESTO.

WHEREAS, a public hearing was held by the Board of Building Appeals of the City of Modesto, at 4 o'clock p.m. on August 17, 1978, in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider an appeal filed by John Ward, owner of the property located at 1028 Tenth Street, Modesto, California, from the requirement that he install basement sprinklers or approved alternatives in the basement of the Ward Office Furniture Building, 1028 Tenth Street, Modesto, California, and

WHEREAS, at said hearing above referred to, the Board of Building Appeals of the City of Modesto, by its Decision and Order No. 5-78, denied said appeal of John Ward, and ordered the installation of a sprinkler system or an approved alternative in the basement of the Ward Office Furniture building located at 1028 Tenth Street, Modesto, California, within 90 days after September 1, 1978, and

WHEREAS, by a letter dated August 23, 1978, addressed to the City Clerk of the City of Modesto, John Ward filed an appeal to the City Council of the City of Modesto, from said Decision and Order No. 5-78 of the Board of Building Appeals, of the City of Modesto, and

WHEREAS, said matter was set for public hearing before the Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 o'clock p.m. on September 25, 1978, at

which time said hearing was continued to November 6, 1978, at 4:00 o'clock p.m., and

WHEREAS, at said continued hearing, the City Council, received and considered evidence both oral and documentary,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds as follows:

1. The subject basement is over 1500 square feet in area and constitutes an extreme fire hazard as determined by the Fire Chief of the City of Modesto because of the extreme difficulty in combating any fires which may occur in the basement.

2. The subject building is therefore a dangerous building under the meaning of Section 302(15) of the Modesto Dangerous Buildings Code.

3. There has been more than adequate time to satisfy Decision and Order 6-74 of the Board of Building Appeals requiring a standard automatic fire extinguishing system to be installed by September 1, 1978.

BE IT FURTHER RESOLVED that the appeal of John Ward to Decision and Order No. 5-78 of the Board of Building Appeals, of the City of Modesto is hereby denied and the order of said Board requiring the installation of basement sprinklers or approved alternatives in the basement of the Ward Office Furniture Building, located at 1028 Tenth Street in the City of Modesto is hereby affirmed.

BE IT FURTHER RESOLVED that the ninety (90) day extension of time granted by the Board of Building Appeals by its Decision and Order No. 5-78 shall commence on November 6, 1978,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember

Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Siefkin, Mayor Davies

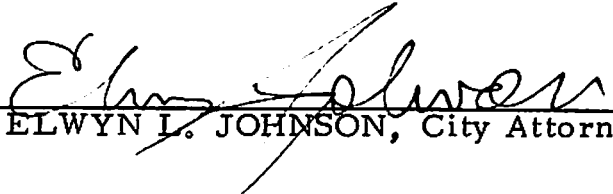
NOES: Councilmembers: Kullijian, Lang, Mensinger

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1126

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 5-4-9 OF THE  
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (MIKE FISHER-  
GOOD KARMA ESTATES)

WHEREAS, on November 6, 1978, the City Council  
adopted Ordinance No. 1781-C.S. giving approval to a project  
relating to an amendment to Section Map 5-4-9 of the Zoning Map to  
prezone certain property to Medium Density Residential Zone, R-2

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting  
it reviewed and considered the findings of the City of Modesto Environ-  
mental Assessment Committee which resulted in a negative declaration,  
in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the Director of Planning and Community Development of the  
City of Modesto is hereby directed to file or cause to be filed with the  
Stanislaus County Clerk a Notice of Determination in regard to the  
environmental impact of the subject project relating to \_\_\_\_\_  
an amendment to Section Map 5-4-9 of the Zoning Map to prezone certain  
property to Medium Density Residential Zone, R-2

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyee*  
NORRINE COYEE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1127

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 32-3-9 OF THE  
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (SETLIFF  
BROTHERS)

WHEREAS, on November 6, 1978, the City Council  
adopted Ordinance No. 1782-C.S. giving approval to a project  
relating to an amendment to Section Map 32-3-9 of the Zoning Map to  
rezone certain property from Low Density Residential Zone, R-1 to Highway  
Frontage Zone, H-1

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting  
it reviewed and considered the findings of the City of Modesto Environ-  
mental Assessment Committee which resulted in a negative declaration,  
in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the Director of Planning and Community Development of the  
City of Modesto is hereby directed to file or cause to be filed with the  
Stanislaus County Clerk a Notice of Determination in regard to the  
environmental impact of the subject project relating to an amendment  
to Section Map 32-3-9 of the Zoning Map to rezone certain property from  
Low Density Residential Zone, R-1 to Highway Frontage Zone, H-1

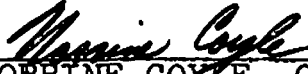
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1128

A RESOLUTION ADOPTING PORTIONS OF THE AIR QUALITY  
PLAN FOR STANISLAUS COUNTY.

WHEREAS, the 1977 Clean Air Act Amendments offer local governments an opportunity to develop a State Implementation Plan designed to improve air quality, and

WHEREAS, the Stanislaus Area Association of Governments Air Quality Task Force has been designated as the local lead agency for the development of an air quality plan for Stanislaus County, and

WHEREAS, the City of Modesto is identified as an implementing agency in Report IV: Recommended Air Quality Strategy for Stanislaus County, and

WHEREAS, the Council of the City of Modesto has provided public notice and a public hearing prior to making a commitment to adopt those portions of the plan which pertain to the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that the City of Modesto accepts the plan as recommended by the Air Quality Task Force and adopts those portions of the plan which are applicable to it.

BE IT FURTHER RESOLVED that the City of Modesto agrees to develop, adopt, and implement those measures identified in the plan according to the schedules shown in the plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Mensinger, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1129

A RESOLUTION DENYING THE APPEAL OF STEVEN A. ZEFF AND JENNIE R. ZEFF AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION APPROVING A PLOT PLAN FOR A SIX UNIT, TWO STORY TOWNHOUSE APARTMENT IN THE R-2 ZONE LOCATED ON THE WEST SIDE OF DOUGLAS AVENUE, SOUTH OF FAIRMONT AVENUE. (HOWARD CHENAULT)

WHEREAS, Howard Chenault filed an application in the office of the Secretary of the Planning Commission for approval of a six unit, two story townhouse apartment in the R-2 Zone, located on the west side of Douglas Avenue, south of Fairmont Avenue in the City of Modesto, and

WHEREAS the Planning Commission, at its meeting on September 5, 1978, reviewed the plot plan and elevation plans for the project in accordance with Section 10-2.604 of the Modesto Municipal Code, and

WHEREAS, by Resolution No. 78-164, adopted on September 5, 1978, the Planning Commission approved the plot plan for said six unit, two story townhouse apartment in the R-2 Zone located on the west side of Douglas Avenue, south of Fairmont Avenue in the City of Modesto, applied for by Howard Chenault, subject to the following conditions:

1. That all development shall be in accordance with the plan titled "Planned Development for Howard Chenault" as amended in red on its face, stamped approved by the Planning Commission on September 5, 1978, and on file in the office of the Director of Planning and Community Development.
2. That prior to the issuance of a building permit for any development a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. The landscaping and irrigation system shall be installed and maintained in accordance with said plan. Irrigation shall be by underground sprinkler system.

3. That all landscaping, fences, and walls shall be maintained and that the premises shall be kept free of weeds, trash, and other debris.
4. That the development shall be connected to public sewer and water facilities in accordance with the requirements of the Director of Public Works.
5. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Section 10-2.1801, 10-2.1804 and 10-2.1808 of the Modesto Municipal Code. That all drainage facilities shall be provided in accordance with the requirements of the Director of Public Works. The developer shall contain all surface drainage water on the site as required by the Director of Public Works.
6. That all trash shall be maintained in enclosed trash areas in locations shown on the plans and/or approved by the Director of Planning and Community Development. Said trash enclosures shall be constructed 6-foot high of the same building materials used in the main building as indicated on the plan or of solid decorative masonry except that said enclosures shall have solid doors to be kept closed at all times.
7. That the applicant shall construct a solid 6-foot high fence with decorative masonry pilasters 16 feet on centers along the entire south and west property lines as indicated in red on the plan.
8. That the applicant shall record with the County Recorder of Stanislaus County a notice in the form approved by the City of Modesto that this resolution of approval has been issued and that it contains conditions affecting the use of the above described property. (Copies of the approved form are available at the Modesto Planning and Community Development Department.)
9. That prior to occupancy of the premises, the developer shall complete all street improvements on Douglas Avenue to residential street standards as required by the Director of Public Works,

and

WHEREAS, an appeal to the Planning Commission's decision approving the plot plan for a six unit, two story townhouse apartment in the R-2 Zone located on the west side of Douglas Avenue, south of Fairmont Avenue in the City of Modesto, was filed by Steven A. Zeff and Jennie R. Zeff by a letter dated September 20, 1978, addressed to the Planning Commission, and filed in the office of the City Clerk on September 20, 1978, and

WHEREAS, said appeal was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 o'clock p.m. on October 23, 1978, and thereafter continued to November 6, 1978, at 4:00 o'clock p.m., and

WHEREAS, the Council, after hearing evidence both oral and documentary, hereby finds and determines that the appeal filed by Steven A. Zeff and Jennie R. Zeff to the decision of the Planning Commission approving the plot plan of Howard Chenault for a six unit, two story townhouse apartment in the R-2 Zone located on the west side of Douglas Avenue, south of Fairmont Avenue in the City of Modesto, should be denied and the decision of the Planning Commission should be affirmed for the following reasons:

1. The property is zoned Medium Density Residential Zone, R-2.
2. The proposed development, as shown on the plot plan on file in the office of the Director of Planning and Community Development, will be compatible with the neighborhood,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Steven A. Zeff and Jennie R. Zeff to the decision of the Planning Commission approving the plot plan for a six unit, two story townhouse apartment in the R-2 Zone located on the west side of Douglas Avenue, south of Fairmont Avenue in the City of Modesto, applied for by Howard Chenault, be denied, and approval by the Planning Commission of said plot plan be affirmed, subject to the conditions hereinabove set forth.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Kulljian, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney



WHEREAS, after public hearing held on August 15, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed dwelling unit density is 10 dwellings per acre which density is permitted by the General Plan for the subject property.
2. An open space and recreation area to be administered by a home owners association is proposed for the project.

WHEREAS, after a public hearing held on October 9, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Jan Rouw for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1783 -C.S. on the 6th day of November, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1 to Planned-Development Zone, P-D (204).



8. All utilities shall be underground including TV reception facilities. No antennas shall be permitted.
9. That prior to issuance of a building permit for any development, the developer shall submit evidence, satisfactory to the City Attorney, that there has been created a Homeowners' Association to guarantee common open space improvement and maintenance in accordance with the approved plans.
10. That any signs within the P-D zone shall comply with the R-1 Zone sign provisions.
11. That building plans for the dwellings shall indicate a standard detail for adequate storage for garbage and garden refuse. Said storage areas shall be screened from view from any public street and shall be subject to approval by the Director of Planning and Community Development. Each dwelling shall have such a storage unit provided in accordance with the plans approved by the Director of Planning and Community Development.
12. That prior to the issuance of a building permit, the developer shall dedicate to the City of Modesto a three-foot wide planting easement adjacent to all public streets.
13. That an 8-foot high solid decorative masonry wall shall be constructed along the property's Briggsmore Avenue frontage. All other lots on the east, west, and a portion of the south boundaries of the project as shown in red on the approved plot plan shall be developed with a masonry pilaster and grapestake or masonry pilaster and board fence a minimum of 6 feet in height.
14. That all residential streets shall be developed to the standard 50 feet of right-of-way.
15. That the front yard setbacks shall be the standard setbacks set forth in the R-1 Zone except for those lots on cul-de-sacs where the garage setback shall be a minimum of 17 feet and the dwelling setback a minimum of 12 feet from the front property line.
16. That the applicant shall revise the plot plan to include an area within the subdivision boundaries set aside for off-street parking of recreation vehicles. Said revised plot plan shall be approved by the Director of Planning and Community Development.
17. That the minimum side yard on one side of each lot shall be at least 5 net feet.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (204) :

That the construction project be accomplished in one phase, with construction to start on or before January 1, 1981, and be completed on or before January 1, 1983.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (204) becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By John La Coyle  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1131

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JAN ROUW)

WHEREAS, on October 9, 1978, the City Council adopted Ordinance No. 1783 -C.S. giving approval to a project relating to an amendment to Section Map 24-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1 to Planned Development Zone, P-D(204)

\_\_\_\_\_, and  
WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 24-3-9 of the Zoning Map to rezone certain property from Low Density Residential Zone, R-1 to Planned Development Zone, P-D(204)

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1132

REVISED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR REVISION 1 TO PROGRAM SUPPLEMENT 7 TO LOCAL AGENCY - STATE AGREEMENT NO. 10-5059

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
revised  
that the/agreement between the City of Modesto and State of California for revision 1 to Program Supplement 7 to Local Agency - State Agreement No. 10-5059 (project to reconstruct Oakdale Rd. from Scenic Dr. to Briggsmore Ave.), reducing City participation to \$94,187, and increasing the State participation by \$15,480  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said/agreement  
revised  
by the designated 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 November, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1133  
REVISED

**A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND STATE OF CALIFORNIA FOR REVISION 1 TO PROGRAM SUPPLEMENT NO. 8 TO LOCAL AGENCY - STATE AGREEMENT NO. 10-5059**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
revised  
**that the/agreement between the City of Modesto and State of California**  
for revision 1 to Program Supplement No. 8 to Local Agency - State  
Agreement No. 10-5059 (project to reconstruct Standiford Avenue from  
Tully to 300' west of Carver Road), reducing City participation to  
\$66,836, and increasing State participation by \$10,854  
**be, and it is hereby approved.**

**BE IT FURTHER RESOLVED** that the execution of said/ <sup>revised</sup> agreement  
by the designated 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  
November, 19 78, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1134

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
GEORGE FREDERICKSON AND PHILLIP BRAVARD FOR THE LEAST OF A PORTION  
OF FIRE STATION NO. 5**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that the agreement between the City of Modesto and George Frederickson  
and Phillip Bravard  
for lease of a portion of Fire Station No. 5

be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 6th day of  
November, 1978, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1135

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
BURBANK-PARADISE FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Burbank-Paradise  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Briggs No. 1 Addition

by Resolution No. 78-1082 adopted on October 16, 19 78, and said  
annexation officially became a part of the City of Modesto on October 30, 1978,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
Burbank-Paradise Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Rosa Campbell  
Public Works Department

## BRIGGS NO. 1 ANNEXATION

All that real property in the State of California, being a portion of the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being all of Lot 3 of the RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO, as per map filed October 10, 1904, in Volume 2 of Maps, Page 1, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the Northwest corner of the GANT ADDITION (138), as per description filed October 18, 1962, as Instrument 39842, Stanislaus County Records;

1. thence continuing along the existing City Limits and the Western line of said ADDITION (138), South  $00^{\circ} 25' 00''$  West, 466.68 feet;
2. thence leaving the existing City Limits, North  $89^{\circ} 35' 00''$  West, 466.68 feet;
3. thence North  $00^{\circ} 25' 00''$  East, 496.68 feet, to the center line of 60.00 foot Briggs Avenue;
4. thence along the center line of Briggs Avenue, South  $89^{\circ} 35' 00''$  East, 466.68 feet;
5. thence South  $00^{\circ} 25' 00''$  West, 30.00 feet, to the point of beginning, containing 5.321 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1136

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
WOODLAND AVENUE FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland Avenue  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Vine Street No. 2 Addition

by Resolution No. 78-1008 adopted on September 28, 19 78, and said  
annexation officially became a part of the City of Modesto on October 30, 19 78,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
Woodland Avenue Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

All that property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VINE ADDITION (257), as per description filed August 6, 1970, as Instrument 25008, Stanislaus County Records, said point being on the center line of 60.00 foot South Franklin Street;

1. thence along the existing City Limits and the Northern line of said ADDITION (257), South  $89^{\circ} 59' 00''$  West, 351.00 feet;
2. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 140.00 feet;
3. thence along the existing City Limits and a Southern line of said ADDITION (257), North  $89^{\circ} 59' 00''$  East, 165.00 feet;
4. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 130.00 feet, to the Northeast corner of the CALIFORNIA-FRANKLIN ADDITION (108), as per description filed May 25, 1960, as Instrument 14995, Stanislaus County Records;
5. thence along the existing City Limits and the Northern line of said ADDITION (108), South  $89^{\circ} 59' 00''$  West, 479.68 feet, to the center line of 50.00 foot Briggs Ditch;
6. thence leaving the existing City Limits and continuing along the center line of said ditch, North  $00^{\circ} 10' 00''$  East, 327.05 feet;
7. thence North  $89^{\circ} 58' 30''$  East, 665.68 feet, to the center line of 60.00 foot Franklin Street and the Western line of the original corporate City Limits;
8. thence South,  $00^{\circ} 10' 00''$  West, 57.05 feet, to the point of beginning, containing 3.315 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1137

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
WOODLAND AVENUE FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland Avenue  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Maze-Emerald No. 2 Addition  
by Resolution No. 78-1007 adopted on September 28, 1978, and said  
annexation officially became a part of the City of Modesto on October 30,, 1978,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the \_\_\_\_\_  
Woodland Avenue Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ron Campbell  
Public Works Department

MAZE-EMERALD NO. 2 ADDITION  
All that real property in the State of California, County of Stanislaus, being a portion of the South half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of the MAZE-EMERALD ADDITION (288), as per description filed May 3, 1972, as Instrument 17665, Stanislaus County Records, said point being on the Northern line of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point also being on the center line of a 40 foot public road known as North Emerald Avenue and on the Northern line of Maze Boulevard;

1. thence along the existing City Limits and the Eastern boundary of ADDITION (288), North  $00^{\circ}31'30''$  West, 720.67 feet, to the Southern line of 100 foot Modesto Irrigation District Lateral No. 4 Right of Way;
2. thence leaving the existing City Limits and along said Southern line, South  $85^{\circ}52'30''$  East, 362.35 feet;
3. thence continuing along said Southern line, South  $73^{\circ}11'30''$  East, 440.60 feet, to the Northwestern corner of the CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;
4. thence along the existing City Limits and the Western boundary of ADDITION (103), South  $00^{\circ}14'30''$  West, 570.44 feet, to the Northern line of ADDITION (70);
5. thence along said Northern boundary, North  $89^{\circ}45'30''$  West, 774.19 feet, to the point of beginning, containing 11.938 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1138

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (BRIGGS NO. 1 ADDITION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No.

78-1082 on October 16, 19 78, certain territory known as \_\_\_\_\_

Briggs No. 1 Addition, and

WHEREAS, the inclusion of the area contained in \_\_\_\_\_

Briggs No. 1 Addition to the Modesto Municipal

Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Briggs No. 1 Addition

\_\_\_\_\_ (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 189.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Tuesday, December 26, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 189.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The northwest corner of the annexation at the south line of Briggs Avenue.
- (2) The northeast corner of the annexation at the south line of Briggs Avenue.
- (3) The north line of the annexation at the south line of Briggs Avenue.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 189, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyze  
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Paul R. [Signature]  
Public Works Department

## BRIGGS NO. 1 ANNEXATION

All that real property in the State of California, being a portion of the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being all of Lot 3 of the RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO, as per map filed October 10, 1904, in Volume 2 of Maps, Page 1, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the Northwest corner of the GANT ADDITION (138), as per description filed October 18, 1962, as Instrument 39842, Stanislaus County Records;

1. thence continuing along the existing City Limits and the Western line of said ADDITION (138), South  $00^{\circ} 25' 00''$  West, 466.68 feet;
2. thence leaving the existing City Limits, North  $89^{\circ} 35' 00''$  West, 466.68 feet;
3. thence North  $00^{\circ} 25' 00''$  East, 496.68 feet, to the center line of 60.00 foot Briggs Avenue;
4. thence along the center line of Briggs Avenue, South  $89^{\circ} 35' 00''$  East, 466.68 feet;
5. thence South  $00^{\circ} 25' 00''$  West, 30.00 feet, to the point of beginning, containing 5.321 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on November 6, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Kullijian, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: November 7, 1978

Norrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1139

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. ( VINE STREET NO. 2 ADDITION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No. 78-1008 on September 28, 1978, certain territory known as \_\_\_\_\_  
Vine Street No. 2 Addition, and

WHEREAS, the inclusion of the area contained in \_\_\_\_\_  
Vine Street No. 2 Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as \_\_\_\_\_  
Vine Street No. 2 Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 190.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Tuesday, December 26, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 190.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) A northeast corner of the annexation at the north side of Vine Street.
- (2) A corner of the annexation at the north side of Vine Street.
- (3) A northeast corner of the annexation at the east side of Franklin Avenue.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 190, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Kenn Campbell  
Public Works Department

## VINE STREET NO. 2 ANNEXATION

All that property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VINE ADDITION (257), as per description filed August 6, 1970, as Instrument 25008, Stanislaus County Records, said point being on the center line of 60.00 foot South Franklin Street;

1. thence along the existing City Limits and the Northern line of said ADDITION (257), South  $89^{\circ} 59' 00''$  West, 351.00 feet;
2. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 140.00 feet;
3. thence along the existing City Limits and a Southern line of said ADDITION (257), North  $89^{\circ} 59' 00''$  East, 165.00 feet;
4. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 130.00 feet, to the Northeast corner of the CALIFORNIA-FRANKLIN ADDITION (108), as per description filed May 25, 1960, as Instrument 14995, Stanislaus County Records;
5. thence along the existing City Limits and the Northern line of said ADDITION (108), South  $89^{\circ} 59' 00''$  West, 479.68 feet, to the center line of 50.00 foot Briggs Ditch;
6. thence leaving the existing City Limits and continuing along the center line of said ditch, North  $00^{\circ} 10' 00''$  East, 327.05 feet;
7. thence North  $89^{\circ} 58' 30''$  East, 665.68 feet, to the center line of 60.00 foot Franklin Street and the Western line of the original corporate City Limits;
8. thence South,  $00^{\circ} 10' 00''$  West, 57.05 feet, to the point of beginning, containing 3.315 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on November 6, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Kullijian, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davison

NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: November 7, 1978

Norrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1140

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (MAZE-EMERALD NO. 2 ADDITION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No.

78-1007 on September 28, 1978, certain territory known as \_\_\_\_\_

Maze-Emerald No. 2 Addition, and

WHEREAS, the inclusion of the area contained in \_\_\_\_\_

Maze-Emerald No. 2 Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Maze-Emerald No. 2 Addition \_\_\_\_\_ (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 191.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Tuesday, December 26, 1978, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 191.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The northwest corner of the annexation at the south side of M.I.D. Lateral No. 4 and the east side of Emerald Avenue.
- (2) The western line of the annexation at the intersection of Mathia Drive.
- (3) The southwest corner of the annexation at the northeast corner of Maze Boulevard and Emerald Avenue.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 191, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Paul Campbell  
Public Works Department

All that real property in the State of California, County of Stanislaus, being a portion of the South half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of the MAZE-EMERALD ADDITION (288), as per description filed May 3, 1972, as Instrument 17665, Stanislaus County Records, said point being on the Northern line of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point also being on the center line of a 40 foot public road known as North Emerald Avenue and on the Northern line of Maze Boulevard;

1. thence along the existing City Limits and the Eastern boundary of ADDITION (288), North  $00^{\circ}31'30''$  West, 720.67 feet, to the Southern line of 100 foot Modesto Irrigation District Lateral No. 4 Right of Way;
2. thence leaving the existing City Limits and along said Southern line, South  $85^{\circ}52'30''$  East, 362.35 feet;
3. thence continuing along said Southern line, South  $73^{\circ}11'30''$  East, 440.60 feet, to the Northwestern corner of the CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;
4. thence along the existing City Limits and the Western boundary of ADDITION (103), South  $00^{\circ}14'30''$  West, 570.44 feet, to the Northern line of ADDITION (70);
5. thence along said Northern boundary, North  $89^{\circ}45'30''$  West, 774.19 feet, to the point of beginning, containing 11.938 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on November 6, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Kullijian, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: November 7, 1978

Norrine Coyle  
City Clerk of the City of Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1141

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD H. AND MARGARET D. SCOTT FOR THE LEASE OF THE FORMER EULA SCOTT PROPERTY (9.84 ACRES - PART OF FUTURE DRY CREEK PARK AREA)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Donald H. and Margaret D. Scott for the lease of the former Eula Scott property (9.84 acres - part of future Dry Creek Park 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 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyne  
**NORRINE COYNE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1142

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD H. AND MARGARET D. SCOTT FOR THE LEASE OF THE FORMER SIMMS PROPERTY (13.07 ACRES - PART OF FUTURE DRY CREEK PARK AREA)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Donald H. and Margaret D. Scott for the lease of the former Simms property (13.07 acres - part of future Dry Creek Park 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 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST: Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1143

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD H. AND MARGARET D. SCOTT FOR THE LEASE OF THE FUTURE RIVERSIDE PARK SITE (20.78 ACRES)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Donald H. and Margaret D. Scott for the lease of the future Riverside Park site (20.78 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 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1144

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MODESTO IRRIGATION DISTRICT FOR JOINT USE OF THE M.I.D. RIGHT OF  
WAY AT THE CHEYENNE WAY CROSSING OF LATERAL #7**

**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 joint use of the M.I.D. right of way at the Cheyenne Way  
crossing of Lateral #7  
be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement  
by the designated 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  
November, 1978, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Cole  
NORRINE COLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1145

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MODESTO IRRIGATION DISTRICT FOR JOINT USE OF THE M.I.D. RIGHT OF  
WAY AT THE PRESCOTT ROAD CROSSING OF LATERAL #7

BE IT HERELY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Modesto  
Irrigation District  
for joint use of the M.I.D. right of way at the Prescott Road  
crossing of Lateral #7  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
November, 19 78, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1146

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 10-3-9 OF THE ZONING MAP (STONE BROS. & ASSOCIATES)

WHEREAS, the Modesto City Planning Commission held a public hearing on October 17, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 10-3-9 of the Zoning Map, to rezone from R-1 to R-2 property located along the east side of Coffee Road south of Maple Avenue

the following described property:

All of that portion of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

All of Lots 10 through 21, in Block 12574, Lots 2, 3, 14, and 15 in Block 12586, and Lots 1 through 6 in Block 12587, all in Sylvan Meadows East No. 4 as per map thereof filed January 25, 1977, in Book 26 of Maps, at page 50 in the Stanislaus County Records.

Including also all of Montevue Drive, all of Grand Prix Drive, all of Bywood Lane, the southerly one-half of Fernview Drive, and the Easterly 50 feet of Coffee Road, all being immediately adjacent to those certain described lots shown on said Sylvan Meadows East No. 4.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-198 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 10-3-9 of the Zoning Map be set for November 27, 1978 at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1147

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 10-3-9 OF THE ZONING MAP (STONE BROS. & ASSOCIATES)**

**WHEREAS, the Modesto City Planning Commission held a public hearing on October 17, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 10-3-9 of the Zoning Map, to rezone from R-1 to P-D(206) for a 30-unit two-story townhouse apartment development, property located at the southeast corner of Coffee Road and Mable Avenue**  
**the following described property:**

All that portion of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Lots 7 through 10 and 13 through 17 in Block 12587 of Sylvan Meadows East No. 4, as per map thereof filed January 25, 1977, in Book 26 of Maps, page 50, Stanislaus County Records.

Including the southerly 30 feet of Mable Avenue, the easterly 50 feet of Coffee Road and the northerly one-half of Fernview Drive, all being immediately adjacent to the above described lots as shown on the map of said Sylvan Meadows East No. 4.

**and**

**Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-199 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 10-3-9 of the Zoning Map be set for November 27, 1978 at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1148

A RESOLUTION STATING THE INTENTION OF THE CITY OF MODESTO NOT TO SUCCEED TO CALIFORNIA LAND CONSERVATION ACT CONTRACTS IN THE SNYDER AVENUE ADDITION TO THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto on September 18, 1978 adopted City Council Resolution No. 78-796 annexing uninhabited territory known as the Snyder Avenue Addition to the City of Modesto, and

WHEREAS, a portion of several parcels of land included in said addition, known as the Van Konynenburg property, is subject to California Land Conservation Act Contracts which were approved by the County of Stanislaus, being more fully described in Contract No. 74-1771, adopted on February 26, 1974 and recorded in Volume 2612, page 423 of the Official Records of Stanislaus County, and Contract No. 74-1772, adopted on February 19, 1974 and recorded in Volume 2611, page 769 of the Official Records of Stanislaus County, and

WHEREAS, the City of Modesto by City Council Resolution No. 74-105, adopted on February 4, 1974, and City Council Resolution No. 74-106, adopted on February 4, 1974, duly filed its protests to the said contracts with the Local Agency Formation Commission, and

WHEREAS, the Local Agency Formation Commission upheld said protests by resolutions entitled "In Re: California Land Conservation Act Contract No. 74-1771 - Van Konynenburg" adopted on May 24, 1977 and "In Re: California Land Conservation Act Contract No. 74-1772 - Van Konynenburg" adopted on November 22, 1977,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto, pursuant to the provisions of Government Code Section 51243, hereby states its intention not to succeed and does not succeed to the above described California Land Conservation Act Contracts pertaining to said Snyder Avenue Addition to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1149

A RESOLUTION STATING THE INTENTION OF THE CITY OF MODESTO  
NOT TO SUCCEED TO CALIFORNIA LAND CONSERVATION ACT CONTRACTS  
IN THE WOODLAND-MERCY ADDITION TO THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto on November 6, 1978 adopted  
City Council Resolution No. 78-1150 annexing uninhabited territory known as the  
Woodland-Mercy Addition to the City of Modesto, and

WHEREAS, a portion of several parcels of land included in said addition,  
known as the Burton Pike property and the Ruth Kidd property, is subject to California  
Land Conservation Act Contracts which were approved by the County of Stanislaus,  
being more fully described in Contract No. 75-1991, adopted on February 11, 1975  
and recorded in Volume 2684, page 214 of the Official Records of Stanislaus County,  
and Contract No. 77-2453, adopted on February 22, 1977 and recorded in Volume 2886,  
page 545 of the Official Records of Stanislaus County, and

WHEREAS, the City of Modesto by City Council Resolution No. 75-287,  
adopted on February 2, 1975, and City Council Resolution No. 76-1021, adopted on  
September 7, 1976, duly filed its protests to the said contracts with the Local  
Agency Formation Commission, and

WHEREAS, the Local Agency Formation Commission upheld said protests by  
resolutions entitled "In Re: California Land Conservation Act Contract No. 75-1991 -  
(Burton Pike, et. ux.)" adopted on May 24, 1977 and "In Re: California Land Conserva-  
tion Act Contract No. 77-2453 - (Ruth Kidd)" adopted on May 24, 1977,

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto, pursuant to  
the provisions of Government Code Section 51243, hereby states its intention not  
to succeed and does not succeed to the above described California Land Conservation  
Act Contracts pertaining to said Woodland-Mercy Addition to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1150

A RESOLUTION ANNEXING CERTAIN UNINHABITED TERRITORY DESCRIBED HEREIN AND DESIGNATED AS WOODLAND-MERCY ANNEXATION TO THE CITY OF MODESTO, WITHOUT NOTICE OR HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by all of the owners of land residing within territory in the County of Stanislaus requesting annexation of the Woodland-Mercy Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated September 27, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Municipal Organization Act of 1977, as amended, have been complied with.
2. The area or territory designated as the Woodland-Mercy Annexation to the City of Modesto is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 Completion in regard to the environmental impact of said annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Scott Perry*  
Public Works Department

WOODLAND-MERCY ADDITION

All that real property in the State of California, County of Stanislaus being a portion of the Southwest quarter of Section 24 and a portion of the Northwest quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southwest corner of BLUE GUM ADDITION (333), as per description filed June 12, 1975, as Instrument 48200, Stanislaus County Records, said point being on the Southern line of Lot 2 of ROSEMORE PARK TRACT, as per map filed April 17, 1907, in Volume 3 of Maps, Page 4, Stanislaus County Records:

1. thence along the existing City Limits of said addition (333), North  $88^{\circ} 33' 02''$  East, 651.20 feet, to the Northeastern corner of Lot 7 of said ROSEMORE PARK TRACT;
2. thence leaving existing City Limits along the Eastern line of said Lot 7, South  $1^{\circ} 04' 25''$  East, 1324.61 feet, to the South line of said Section 24;
3. thence along said Southern line, South  $88^{\circ} 36' 00''$  West, 0.84 feet, to a point on the Northerly extension of the West line of Pleasant Homes, as per map filed in Volume 9 of Maps, Page 67, Stanislaus County Records;
4. thence along said Northerly extension and West line of Pleasant Homes, South  $1^{\circ} 39' 13''$  East, 1410.32 feet, to the Southeastern corner of Lot 7 of the ELLIOTT TRACT, as per map filed March 16, 1909, in Volume 4 of Maps, Page 17, Stanislaus County Records;
5. thence along a Southern line of said Lot 7, North  $69^{\circ} 30' 53''$  West, 21.03 feet;
6. thence continuing along a Southern line, North  $86^{\circ} 54' 25''$  West, 365.76 feet;
7. thence continuing along the Southern line of said Lot 7 and the Southern line of Lot 8 of said ELLIOTT TRACT, North  $62^{\circ} 50' 44''$  West, 480.36 feet;
8. thence North  $1^{\circ} 39' 13''$  West, 1144.22 feet, to said South line of Section 24;
9. thence along said Southern line of Section 24, North  $88^{\circ} 36' 00''$  East, 141.92 feet, to the Southerly extension of the West line of the East half of said Lot 7 of ROSEMORE PARK TRACT;
10. thence along said Southerly extension and Western line of the East half of said Lot 7 of ROSEMORE PARK TRACT, North  $1^{\circ} 03' 45''$  West, 1324.04 feet, to the Westerly extension of the Southern line of said addition (333);
11. thence along the Westerly extension of the Southern line of said addition (333), North  $88^{\circ} 33' 02''$  East, 12.38 feet, to the point of beginning, containing 44.588 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1151

A RESOLUTION ANNEXING CERTAIN UNINHABITED TERRITORY  
DESCRIBED HEREIN AND DESIGNATED AS WINMOORE WAY  
ANNEXATION TO THE CITY OF MODESTO,  
WITHOUT NOTICE OR HEARING.

WHEREAS, pursuant to the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California, a petition signed by all of the owners of land residing within territory in the County of Stanislaus requesting annexation of the Winmoore Way Annexation to the City of Modesto was filed with the Stanislaus County Local Agency Formation Commission for its consideration and approval, and said Stanislaus County Local Agency Formation Commission by Resolution dated September 27, 1978 determined that said territory is uninhabited and approved the annexation of said uninhabited territory to the City of Modesto pursuant to the Government Code, without notice or hearing, and

WHEREAS, the Stanislaus County Local Agency Formation Commission by said Resolution ordered that a negative declaration be filed as to the environmental effect of the subject annexation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All requirements of the Municipal Organization Act of 1977, as amended, have been complied with.

2. The area or territory designated as the Winmoore Way Annexation to the City of Modesto is uninhabited territory within the meaning of the Municipal Organization Act of 1977, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

4. Said territory is hereby annexed to and made a part of the City of Modesto.

5. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this resolution.

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, seven certified copies of this resolution, stating the date of its passage; to immediately make seven copies of the boundary description of the annexation; and to obtain such further documentation as is required by law. The City Clerk is further directed to transmit the aforesaid documents to the LAFCO executive officer together with a payment of all fees required by California Government Code Section 54902.5.

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 35355, this annexation shall be effective on the date of execution of the certificate of completion by the LAFCO executive officer.

BE IT FURTHER RESOLVED that the negative declaration as to the environmental impact of the subject annexation is hereby approved and 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 Completion in regard to the environmental impact of said annexation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ron Campbell  
Public Works Department

WINMOORE WAY ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Northwest quarter of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Northwestern corner of the MODESTO INDUSTRIAL PARK ADDITION (85), as per description filed March 10, 1959, as Instrument 6807, Stanislaus County Records, said point being on the Western right-of-way line of the Tidewater Southern Railroad;

1. thence along the existing City Limits and a Western line of said ADDITION (85), South  $00^{\circ} 30' 15''$  East, 322.28 feet;
2. thence continuing along the existing City Limits and a Northern line of said ADDITION (85), South  $89^{\circ} 52' 45''$  West, 2226.61 feet;
3. thence continuing along the existing City Limits, North  $00^{\circ} 11' 00''$  West, 1015.25 feet;
4. thence leaving the existing City Limits, North  $89^{\circ} 46' 30''$  East, 1872.90 feet;
5. thence North  $00^{\circ} 30' 30''$  West, 399.20 feet;
6. thence North  $89^{\circ} 46' 00''$  East, 278.00 feet;
7. thence South  $00^{\circ} 30' 30''$  East, 59.00 feet;
8. thence North  $89^{\circ} 46' 00''$  East, 70.00 feet, to the Western right-of-way line of the Tidewater Southern Railroad;
9. thence South  $00^{\circ} 30' 30''$  East, along said Railroad right-of-way, 1037.28 feet, to the point of beginning, containing 55.027 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1152

A RESOLUTION SETTING TIME AND PLACE FOR HEARING REGARDING NEIGHBORHOOD  
ZONING AND DEVELOPMENT PLAN FOR THE WOODLAND NEIGHBORHOOD

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that November 27, 1978 , at 7:30 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of a Neighborhood Zoning  
and Development Plan for the Woodland Neighborhood.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 6th day of  
November, 1978, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1153

A RESOLUTION ORDERING AN ORDINANCE PETITIONED FOR BY AN INITIATIVE PETITION BE SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF MODESTO ON MARCH 6, 1979.

WHEREAS, on October 5, 1978, an initiative petition was filed with the City Clerk of the City of Modesto requesting that a proposed ordinance entitled "MODESTO CITIZENS ADVISORY GROWTH MANAGEMENT ACT" be passed without alteration by this Council or be submitted to a vote of the people at the regular municipal election on March 6, 1979, and

WHEREAS, the City Clerk of the City of Modesto has examined said initiative petition and by a certificate dated November 1, 1978, has certified that said petition is signed by not less than ten (10%) percent of the voters of the City according to the County Clerk's last official report of registration to the Secretary of State, and

WHEREAS, the City Clerk has presented said petition and certificate to this Council at the regular meeting thereof on November 6, 1978, and

WHEREAS, Section 4011 of the Elections Code of the State of California requires this Council to either pass said ordinance without change or submit said ordinance to a vote of the voters of the City of Modesto at the General Municipal Election to be held on March 6, 1979, and

WHEREAS, this Council has not passed said ordinance without change,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The Council of the City of Modesto does hereby submit to the qualified electors of the City of Modesto at the General Municipal Election to be held in said City of Modesto on March 6, 1979, said proposed ordinance, which reads as follows:

MODESTO CITIZENS ADVISORY GROWTH MANAGEMENT ACT  
THE PEOPLE OF THE CITY OF MODESTO DO ORDAIN AS FOLLOWS:

The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trunk without first holding an advisory election as provided by Section 5353 of the California Elections Code. For the purposes of this ordinance, the word "extension" shall mean the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan so as to require amendment of the General Plan, but shall not include any maintenance, repairs, renovation, or improvements to an existing sewer trunk solely for the purposes of safe, efficient, and effective operation thereof.

SECTION 2. The form of the measure to be used on the ballots and voting machines, including the title and designation of the measure, shall be as follows:

: <u>Measure A</u>				
: City of Modesto	Shall the ordinance entitled	: YES	:	:
: Initiative Ordinance	"Modesto Citizens Advisory	:	:	:
:	Growth Management Act"			
:	be adopted?	: NO	:	:
:		:	:	:
:		:	:	:

**SECTION 3. (a) On the ballot and voting machines to be used at said General Municipal Election, in addition to all other matters required by law to be printed thereon, shall appear the measure set forth in Section 2 hereof.**

**(b) Where ballots are used, to vote in favor of said proposed ordinance, a voter shall stamp a cross (X) in the blank space opposite the word "YES" on the ballot to the right of said measure, and to vote against said proposed ordinance, a voter shall stamp a cross (X) in the blank space opposite the word "NO" on the ballot to the right of said measure.**

**Where voting machines are used, said voting machines shall be so arranged that to vote in favor of said proposed ordinance a voter shall pull down a voting pointer over the word "YES" near said measure appearing on cardboard, paper or other material placed on the front of the machine, and pull an operating lever, and to vote against said proposed ordinance, a voter shall pull down a voting pointer over the word "NO" near said measure appearing on cardboard, paper or other material placed on the front of the machine, and pull an operating lever.**

**The votes cast for and against said measure shall be counted separate and apart from all other measures to be submitted at said General Municipal Election, and if a majority of the qualified voters voting on said measure vote in favor thereof, said proposed ordinance shall become a valid and binding ordinance of the City of Modesto.**

**SECTION 4. The City Clerk of the City of Modesto is hereby authorized and directed to cause the proposed ordinance to be printed and to cause a copy thereof to be mailed with a sample ballot to each of the qualified electors of said City, at least ten (10) days prior to said General Municipal Election.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1154

A RESOLUTION ADOPTING THE PROVISIONS OF SUB-SECTION (a) OF SECTION 4015.5 OF THE ELECTIONS CODE OF THE STATE OF CALIFORNIA.

WHEREAS, subsection (a) of Section 4015.5 of the Elections Code of the State of California provides that if an argument is submitted for or against an ordinance submitted to the voters, pursuant to an initiative petition, a rebuttal argument may be submitted thereto, and

WHEREAS, subsection (b) of said Section 4015.5 of the Elections Code of the State of California, provides that the provisions of subsection (a) shall only apply if, not later than the day on which the legislative body calls an election, the legislative body, by a majority vote, adopts the provisions of subsection (a) of Section 4015.5 of the Elections Code, which shall apply at the next ensuing election and at each municipal election thereafter, unless later repealed by the legislative body, and

WHEREAS, the City Council adopted Resolution No. 78-1153 on November 6, 1978, entitled "A Resolution Ordering An Ordinance Petitioned For By An Initiative Petition Be Submitted To The Voters At The General Municipal Election To Be Held In The City Of Modesto On March 6, 1979," and

WHEREAS, the City Council desires to adopt the provisions of subsection (a) of Section 4015.5 of the Elections Code of the State of California, to be applicable at the General Municipal Election to be held on March 6, 1979, and at each municipal election thereafter, unless hereafter repealed as provided for in said subsection (b) of Section 4015.5 of said Elections Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the provisions of subsection (a) of Section 4015.5 of the Elections Code of the State of California, to be applicable at the General Municipal Election to be held on March 6, 1979, and at each municipal election thereafter, unless hereafter repealed as provided for in subsection (b) of Section 4015.5 of said Elections Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1155

**A RESOLUTION ACCEPTING IMPROVEMENTS IN NORTH HAMPTON PARK NO. 4  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS**

WHEREAS, Joe H. & Lois Tidwell and James B. and Shirley L. Johnston, subdividers of North Hampton Park No. 4, have filed subdivision Bonds for faithful performance and labor and materials in the amount of \$111,800 and \$55,900 respectively to guarantee improvements in North Hampton Park No. 4; and

WHEREAS, the Director of Public Works in a memorandum dated October 27, 1978, 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 North Hampton Park No.4 Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$111,800.00 upon recordation of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$55,900.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:** *Norrine Coyle*  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1156

A RESOLUTION ACCEPTING IMPROVEMENTS IN WALNUT PARK SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, C.A. Tallent  
subdividers of Walnut Park Subdivision , have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$127,500 and \$63,750 respectively to guarantee improvements  
in Walnut Park Subdivision ; and

WHEREAS, the Director of Public Works in a memorandum dated  
October 27, 1978 , 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 Walnut Park Subdivision are  
hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
Bond for faithful performance in the amount of \$127,500 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
Bond for labor and materials in the amount of \$63,750 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1157

A RESOLUTION APPROVING THE FINAL MAP OF THE  
HILLSBORO NORTH  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Transworld Financial Corporation, Inc., a California  
corporation,

is (~~the~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 11.085 acres, known as the  
Hillsboro North Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 12th day of  
December, 1977, 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 Hillsboro North  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1158

A RESOLUTION APPROVING THE FINAL MAP OF THE  
SHASTA ESTATES NO. 1  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Joaquin Construction Co., Inc., a California corporation

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is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 6.923 acres, known as the  
Shasta Estates No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 3rd day of  
January, 1978, 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 Shasta Estates No. 1  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Council-

member Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1159

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND WILLIAM G. AND MARY C. LOPACHUK, AND NEWTON L. AND ALICE B. HANSEN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 621 ANTHONY STREET**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and William G. and Mary C. Lopachuk, and Newton L. and Alice B. Hansen for sewer service to property outside City limits at 621 Anthony Street, located on the west side of Anthony St. between Sonora Ave. and Lombardo Avenue be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1160

A RESOLUTION APPROVING THE REQUEST OF MOUNTAIN PARAPHERNALIA FOR REFUND OF OVERPAYMENT OF THEIR BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Mountain Paraphernalia for a refund of \$6,317.51 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 6th day of November, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1161**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON PUBLIC PROJECTS  
COMMITTEE RECOMMENDATIONS REGARDING ANNUAL URBAN GROWTH REVIEW**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that November 13, 1978, 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 Public Projects Committee recommendations regarding annual urban growth review.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mayor Davies

**ATTEST:** Norrine Coyle  
**NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1162

RESOLUTION APPROVING ADJUSTMENTS TO THE FINAL  
BUDGET OF THE CITY OF MODESTO FOR FISCAL YEAR  
1978-79.

WHEREAS, property tax revenues amounting to \$112,611 in excess of those anticipated when the City of Modesto Fiscal Year 1978-79 Final Budget was adopted will be received, and,

WHEREAS, to partially compensate the City of Modesto for the loss of property tax revenue under Article XIII A of the Constitution of the State of California (Proposition 13), the State of California intends to allocate surplus State money to the City of Modesto amounting to \$839,566, and,

WHEREAS, other changes to the City of Modesto Fiscal Year 1978-79 Final Budget are necessary to update carryover project balances, revise various revenue estimates, and adjust reserve levels,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the adjustments shown on the attached Exhibit "C" and supporting Schedules 1, 2 and 3 are hereby made to the City of Modesto Fiscal Year 1978-79 Final Budget.

BE IT FURTHER RESOLVED that the Director of Finance is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1978, by

Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

## CITY OF MODESTO

DETAIL OF ADJUSTMENTS  
TO REVENUE ESTIMATES

Account and Fund	Final Budget Adopted 6/26/78	Increase (Decrease)	Revised Budget 1978-79
<u>101 - General Fund</u>			
101-00 Current Year Taxes - Secured	\$1,307,891	\$ 127,317	\$1,435,208
102-00 Current Year Taxes - Unsecured	134,214	(8,893)	125,321
202-00 Home Owners Property Tax Exemption Replacement	180,628	(61,002)	119,626
203-00 Business Inventory Tax Exemption Replacement	59,997	55,189	115,186
204-00 State Surplus Distribution	-	<u>839,500</u>	839,500
Net Adjustment to Revenue Estimates		<u>\$ 952,111</u>	
<u>205 - Local Transportation Fund</u>			
274-01 Federal Grants	\$ 18,040	<u>\$ 339,000</u>	\$ 357,040
Net Adjustment to Revenue Estimates		<u>\$ 339,000</u>	
<u>207 - Special Gas Tax Street Improvement Fund</u>			
274-01 Federal Grants	\$ 423,940	\$ 822,000	\$1,245,940
266-01 County Share of Street Projects	1,112	<u>60,000</u>	61,112
Net Adjustment to Revenue Estimates		<u>\$ 882,000</u>	
<u>209 - Parking Fund</u>			
209-00 Validating Lots	\$ 15,000	<u>\$ 11,000</u>	\$ 26,000
Net Adjustment to Revenue Estimates		<u>\$ 11,000</u>	
<u>212 - Sewer Service Fund</u>			
266-02 County Share of Sewer Projects	\$ -	\$ 50,000	\$ 50,000
270-00 State Grants	-	135,191	135,191
271-00 Federal Grants	-	<u>1,295,945</u>	1,295,945
Net Adjustment to Revenue Estimates		<u>\$1,481,136</u>	

STATE OF ARIZONA  
TO REVENUE ESTIMATES  
(Continued)

<u>Account and Fund</u>	Final Budget Adopted 6/26/78	Increase (Decrease)	Revised Budget 1978-79
<u>230 - Airport Fund</u>			
255-00 FAA Grants	\$ 171,300	\$ <u>418,700</u>	\$ 590,000
Net Adjustment to Revenue Estimates		\$ <u>418,700</u>	
<u>300 - School Site Facilities Tax Fund</u>			
117-00 School Site Tax	\$ 956,000	\$ <u>(95,500)</u>	\$ 860,500
Net Adjustment to Revenue Estimates		\$ <u>(95,500)</u>	
<u>306 - Special Aviation Fund</u>			
223-00 County Airport Apportionment	\$ 45,350	\$ 63,650	\$ 109,000
270-00 State Grants	15,850	<u>(850)</u>	15,000
Net Adjustment to Revenue Estimates		\$ <u>62,800</u>	
<u>321 - Special Fund for Capital Outlay</u>			
266-00 County Share of Street Projects	\$ 10,500	\$ 29,500	\$ 40,000
274-00 Federal Grant	875,000	53,100	928,100
625-00 Reimbursable Services	-	<u>100,000</u>	100,000
Net Adjustment to Revenue Estimates		\$ <u>182,600</u>	
<u>328 - State Parks &amp; Recreation Fund</u>			
272-00 State Grants - Parks & Recreation	\$ 296,000	\$ <u>327,024</u>	\$ 623,024
Net Adjustment to Revenue Estimates		\$ <u>327,024</u>	
<u>324 - Park Fund</u>			
101-00 Current Year Taxes-Secured	\$ 51,788	\$ 2,369	\$ 54,157
102-00 Current Year Taxes-Unsecured	5,065	(331)	4,734
202-00 Home Owners Property Tax Exemption Replacement	6,816	(2,297)	4,519

DETAIL OF ADJUSTMENTS  
TO REVENUE ESTIMATES  
(Continued)

<u>Account and Fund</u>	Final Budget Adopted 6/26/78	Increase (Decrease)	Revised Budget 1978-79
<u>324 - Park Fund (Continued)</u>			
203-00 Business Inventory Tax Exemption Replacement	\$ 2,264	\$ <u>2,087</u>	\$ 4,351
Net Adjustment to Revenue Estimates		\$ <u>1,828</u>	
<u>350 - Bus Service Fund</u>			
260-00 Transportation Grant (UMTA)	\$ 1,372,691	\$ <u>8,620</u>	\$ 1,381,311
Net Adjustment to Revenue Estimates		\$ <u>8,620</u>	

## CITY OF MODESTO

DETAIL OF ADJUSTMENTS  
TO INTERFUND TRANSFERS

<u>Account and Fund</u>	<u>Final Budget Adopted 6/26/78</u>	<u>Increase (Decrease)</u>	<u>Revised Budget 1978-79</u>
<u>TO 230 AIRPORT FUND FROM:</u>			
306 Special Aviation Fund	\$ 120,200	\$ 135,800	\$ 256,000
<u>TO 306 SPECIAL AVIATION FUND FROM:</u>			
321 Special Fund for Capital Outlay	\$ 54,000	\$ 73,000	\$ 127,000
<u>TO 321 SPECIAL FUND FOR CAPITAL OUTLAY FROM:</u>			
101 General Fund	\$ -	\$ 397,944	\$ 397,944
449 Scenic-Sonoma Drainage District Fund	-	49,000	49,000

CITY OF MODESTO

Schedule 3  
November 6, 1978  
Page 1

DETAIL OF ADJUSTMENTS TO APPROPRIATIONS  
1978-79 Final Budget

Department and Account (1)	Final Budget Adopted 6/26/78 (2)	Prop. 13 - Post Adoption Review Adjustments			Other	Revised
		Operating (3)	Supplemental (4)	Capital (5)	Adjustments (6)	Budget (7)
<u>UND 101 - GENERAL FUND</u>						
<u>0 - MANAGEMENT SERVICES - MANAGEMENT ANALYSIS</u>						
5502-00 Opaque Projector & Stand	\$ 660					
<u>00 - MANAGEMENT SERVICES - PERSONNEL</u>		\$ -	\$ (660)	\$ -	\$ -	\$ -
230-00 Advertising Legal & Other						
235-00 Services Professional & Other	3,243	1,400	-	-	-	
221-00 M & R Office Equipment	7,683	1,800	-	-	-	4,643
5505-00 Personnel Index File	420	-	-	-	-	
<u>110 - MANAGEMENT SERVICES - WORD PROCESSING CENTER</u>						
301-00 Office Supplies	4,470	-	(30)	-	-	9,483
			799	-	-	390
						799
<u>130 - CITY ATTORNEY</u>						
235-00 Services Professional & Other	600	-	(40)	-	-	4,430
<u>140 - CITY CLERK &amp; AUDITOR</u>						
5509-00 Typewriter		600	-	-	-	1,200
<u>150 - FINANCE</u>						
130-00 Overtime			875	-	-	875
235-00 Services Professional & Other	479	450	-	-	-	
	7,345	2,500	-	-	-	929
						9,845

Department and Account  
(1)

Final Budget  
Adopted  
6/26/78  
(2)

Prop. 13 - Post Adoption Review  
Adjustments  
Operating Supplemental Capital  
(3) (4) (5)

Schedule 3 (Cont.)  
Page 2

Other  
Adjustments  
(6)

Revised  
Budget  
(7)

150 - FINANCE (Cont.)

317-00 Microfilm Supplies  
& Services

5513-00 Chairs (2)

221-00 M & R Office Equipment

5402-00 Fire Extinguisher (3)

\$ 200  
420  
20,881

\$ 150

\$ -  
(420)  
2,390  
288

\$ -  
-  
-  
-

\$ -  
-  
-  
-

\$ 350  
-  
23,271  
288

210 - FIRE

110-00 Salaries-Regular

5527-00 Desk & Chair

5201-00 Overhead Door, Station #5

5301-00 Beds (Replacement-15)

5406-00 Pitot Gauge

5407-00 Nitrogen Cylinders (3)

5411-00 Foam Eductor

2,036,092

(33,333)

2,002,759  
571  
1,900  
3,816  
742  
1,044  
477

220 - POLICE

216-00 Rent of Equipment

217-00 Photocopy Supplies

301-00 Office Supplies

308-00 Tool Shop & Field Supplies

5430-00 Portable Radios (10)

5431-00 Battery Charging Unit

5540-00 Selectric Typewriter

429-00 Other Special Charges

5436-00 Soft Body Armor (4)

5437-00 Body Armor with

Ballistic Panels

10,690  
1,998  
18,490  
19,905

2,544  
1,000  
5,472  
9,276

1,374  
13,100  
673  
956  
2,943  
793

13,234  
2,998  
23,962  
30,555  
13,100  
673  
956  
20,655  
793

290 - PARKS & RECREATION - MCHENRY MUSEUM

235-00 Services, Professional  
& Other

600

400

1,000

Department and Account (1)	Final Budget Adopted 6/26/78 (2)	Prop. 13 - Post Adoption Review Adjustments			Other Adjustments (6)	Revised Budget (7)
		Operating (3)	Supplemental (4)	Capital (5)		
<b>21 - PARKS &amp; RECREATION - MCHENRY MANSION</b>						
235-00 Services, Professional & Other	\$ 5,381	\$ 300	\$ -	\$ -	\$ -	\$ 5,681
<b>20 - PARKS &amp; RECREATION - RECREATION</b>						
120-00 Salaries-Part Time	211,535	-	(3,911)	-	-	207,624
337-00 Resale Supplies	689	-	(299)	-	-	390
<b>150 - PARKS &amp; RECREATION - PARKS</b>						
120-00 Salaries - Part Time	25,105	5,000	-	-	-	30,105
130-00 Overtime	14,582	5,500	-	-	-	20,082
224-00 M & R Buildings & Grounds	43,732	3,300	-	-	-	47,032
304-00 Custodial Supplies	4,872	500	-	-	-	5,372
310-00 Gardening Supplies	9,043	5,300	-	-	-	14,343
110-00 Salaries-Regular	659,019	-	(5,250)	-	-	653,769
218-00 Equipment Pool Charges	170,373	-	(1,638)	-	-	168,735
<b>360 - PARKS &amp; RECREATION - STREET TREES</b>						
130-00 Overtime	3,918	1,000	-	-	-	4,918
216-00 Rent of Equipment	924	250	-	-	-	1,174
223-00 M & R Equipment, Other	2,326	650	-	-	-	2,976
224-00 M & R Buildings & Grounds	555	100	-	-	-	655
235-00 Services, Professional & Other	12,500	600	-	-	-	13,100
310-00 Gardening Supplies	21,349	7,500	-	-	-	28,849
110-00 Salaries, Regular	397,715	-	(8,419)	-	-	389,296
218-00 Equipment Pool Charges	122,050	-	(918)	-	-	121,132
<b>370 - PARKS &amp; RECREATION - MUNI GOLF COURSE</b>						
310-00 Gardening Supplies	7,945	1,000	-	-	-	8,945
<b>380 - PARKS &amp; RECREATION - DRYDEN GOLF COURSE</b>						
310-00 Gardening Supplies	19,377	2,000	-	-	-	21,377

Department and Account (1)	Final Budget Adopted 6/26/78 (2)	Prop. 13 - Post Adoption Review Adjustments			Other Adjustments (6)	Revised Budget (7)
		Operating (3)	Supplemental (4)	Capital (5)		
<u>410 - PUBLIC WORKS - ENGINEERING &amp; ADMINISTRATION</u>						
110-00 Salaries-Regular						
5553-00 Secretarial Desk	\$ 707,926	\$ -	\$ (1,684)	\$ -	\$ -	\$ 706,242
5558-00 Swivel Arm Chair (3)	742	-	(742)	-	-	-
5562-00 Round Conference Table	493	-	(493)	-	-	-
5563-00 Copy Machine	412	-	(412)	-	-	-
5559-00 Rotary Paper Cutter	1,908	-	(1,908)	-	-	-
5564-00 Desk	268	-	(268)	-	-	-
5565-00 Folding Table & Chairs (8)	477	-	(477)	-	-	-
5566-00 Chairs (11)	207	-	(207)	-	-	-
	886	-	(886)	-	-	-
<u>420 - PUBLIC WORKS - BUILDING INSPECTION</u>						
208-00 Business Expense						
218-00 Equipment Pool Charges	2,174	-	(1,202)	-	-	972
110-00 Salaries-Regular	29,564	-	(912)	-	-	28,652
5573-00 Desk	464,535	-	(16,423)	-	-	448,112
5574-00 Chair	318	-	(318)	-	-	-
5575-00 Dictating Machine	144	-	(144)	-	-	-
5576-00 35 mm Camera & Flash	467	-	(467)	-	-	-
5577-00 Instant Camera & Flash	297	-	(297)	-	-	-
5578-00 Cassette Recorder	117	-	(117)	-	-	-
5580-00 Typewriter	128	-	(128)	-	-	-
	848	-	(848)	-	-	-
<u>430 - PUBLIC WORKS - ELECTRICAL</u>						
5457-00 Mobile Radio	1,000	-	(1,000)	-	-	-
<u>500 - PUBLIC WORKS - WATER</u>						
321-00 Construction Materials						
223-00 M & R Equipment, Other	30,000	6,000	-	-	-	36,000
6764-00 Replace Fire Hydrant	17,024	-	(24)	-	-	17,000
	49,682	-	-	-	(1,600)	48,082
<u>540 - PUBLIC WORKS - GARDEN REFUSE</u>						
110-00 Salaries-Regular	552,237	-	(1,947)	-	-	550,290

Department and Account (1)	Final Budget Adopted 6/26/78 (2)	Prop. 13 - Post Adoption Review Adjustments			Other Adjustments (6)	Revised Budget (7)
		Operating (3)	Supplemental (4)	Capital (5)		
<u>550 - PUBLIC WORKS - CITY HALL</u>						
224-00 M & R Buildings & Grounds	\$ 12,020	\$ -	\$ (1,000)	\$ -	\$ -	\$ 11,020
<u>640 - INSURANCE AND RETIREMENT</u>						
407-00 Unemployment Insurance						
411-00 Compensation Insurance	99,401		(480)			
422-00 Insurance - Dental	596,741		(3,698)			98,921
423-00 Group Life Insurance	82,346		(276)			593,043
\$2,000						82,070
423-02 Life Insurance-\$10,000	9,389					
423-03 Disability Insurance	22,981		(47)			
424-01 Deferred Compensation-1%	87,511		(78)			9,342
425-00 PERS Contribution	74,206		(402)			22,903
426-00 Group Health	1,640,523		(268)			87,109
	401,522		(8,518)			73,938
			(1,475)			1,632,005
Total - General Fund (101)		\$ 64,592	\$ (68,627)	\$ -	\$ (1,600)	400,047
<u>FUND 205 - LOCAL TRANSPORTATION FUND</u>						
6711-00 Orangeburg/Collier-Coffee	46,500					
Total - Local Transportation Fund (205)					(1,200)	45,300
<u>FUND 207 - SPECIAL GAS TAX STREET IMPROVEMENT FUND</u>						
6687-00 Kansas Needham Connection	653,333					
6751-00 Standiford Tully-Lateral 7	423,000					
Total - Special Gas Tax Street Improvement Fund (207)					(2,100) (36,400)	651,233 386,600
		\$ -	\$ -	\$ -	\$ (38,500)	

Department and Account (1)	Final Budget Adopted 6/26/78 (2)	Prop. 13 - Post Adoption Review Adjustments			Other Adjustments (6)	Revised Budget (7)
		Operating (3)	Supplemental (4)	Capital (5)		
<b>FUND 212 - SEWER SERVICE FUND</b>						
6778-00 Waste Water Treatment, DU #3	\$ 365,852	\$ -	\$ -	\$ -	\$ (43,900)	\$ 321,952
Total - Sewer Service Fund (212)		\$ -	\$ -	\$ -	\$ (43,900)	
<b>FUND 224 - HOUSING AND COMMUNITY DEVELOPMENT FUND</b>						
6799-00 Remove Architectural Barrier	83,641	-	-	-	(48,641)	35,000
6909-00 Ramp for Handicapped	8,020	-	-	-	(8,020)	-
Total - Housing and Community Development Fund (224)		\$ -	\$ -	\$ -	\$ ( 56,661)	
<b>FUND 230 - AIRPORT FUND</b>						
208-00 Business Expense						
5482-00 Portable Radio	800	-	(350)	-	-	450
308-00 Tools, Shop & Field Supplies	530	-	(530)	-	-	-
5583-00 Office Chair	200	-	(50)	-	-	150
5483-00 Power Blower	101	-	(101)	-	-	-
6481-04 Avigation Easement - MID Power Lines	223	-	(223)	-	-	-
Total - Airport Fund (230)		\$ -	\$(1,254)	\$ -	\$ 5,000	5,000
<b>FUND 321 - SPECIAL FUND FOR CAPITAL OUTLAY</b>						
6964-00 Briggsmore/Tully, Winning Storm Ramp				50,000	-	50,000
6301-00 Alley Improvements				25,000	-	25,000
6971-00 Vacuum Truck				88,000	-	88,000

Department and Account (1)	Final Budget Adopted 6/26/78 (2)	Prop. 13 - Post Adoption Review Adjustments			Other Adjustments (6)	Revised Budget (7)
		Operating (3)	Supplemental (4)	Capital (5)		
<b>FUND 321 - SPECIAL FUND FOR CAPITAL OUTLAY (CONT.)</b>						
6788-00 Scenic/Rose Intersection	\$ 50,663	\$ -	\$ -	\$ -	\$ (1,800)	\$ 48,863
6908-00 City Hall Expansion/ Remodeling	54,868	-	-	-	(2,500)	52,368
6455-00 Sylvan Avenue Irrigation Box Removal	25,718	-	-	-	(25,000)	718
8248-00 Soccer Field	248,898	-	-	-	(9,600)	239,298
6114-00 Salvage Rescue Truck	31,686	-	-	-	(17,500)	14,186
6118-00 Construct Station 6, Standiford-Dale	293,608	-	-	-	(283,800)	9,808
6362-00 Floyd #2 Plans & Specs	6,188	-	-	-	(6,100)	88
6415-00 Dry Creek Park Land Acquisition	383,096	-	-	-	-	-
<b>Total - Special Fund for Capital Outlay (321)</b>		\$ -	\$ -	\$163,000	\$99,004	482,100
					\$(247,296)	
<b>FUND 323 - TUOLUMNE RIVER PARK FUND</b>						
5303-00 Planning and Development	142,317	-	-	-	113,062	255,379
<b>Total - Tuolumne River Park Fund (323)</b>		\$ -	\$ -	\$ -	\$ 113,062	
<b>FUND 350 - BUS SERVICE FUND</b>						
6006-00 Medium Size Buses (5)	393,195	-	-	-	(393,195)	-
<b>Total - Bus Service Fund (350)</b>		\$ -	\$ -	\$ -	\$(393,195)	
<b>FUND 480 - SERVICE DIVISION WORKING CAPITAL FUND</b>						
5666-01 Road Repair Kettle-Streets	2,972	-	(2,972)	-	-	-
<b>Total - Service Division Working Capital Fund (512)</b>		\$ -	\$ (2,972)	\$ -	\$ -	

CITY OF MODESTO

SUMMARY OF 1978-79 POST ADOPTION BUDGET ADJUSTMENTS  
(Adjusted Final Budget)

	Estimated Available Balance	+ Revenue Other Than Current Property Tax	+ Total Property Tax Revenue	+ Interfund Transfers	= Total Appropriations	= Expenditure Appropriations	+ Reserve Appropriations
<b>101 GENERAL FUND</b>							
Current Final Budget Totals	\$ 2,852,898	\$ 15,322,834	\$ 1,442,105	\$ 2,967,724	\$ 22,585,561	\$ 21,282,193	\$ 1,303,368
Adjustments:							
To Revise Fund Balance	(466,559)	-	-	-	(466,559)	-	(466,559)
Schedule 1	-	833,687	118,424	-	952,111	-	952,111
Schedule 2	-	-	-	(397,944)	(397,944)	-	(397,944)
Schedule 3	-	-	-	-	-	(5,635)	5,635
Adjusted Final Budget	<u>\$ 2,386,339</u>	<u>\$ 16,156,521</u>	<u>\$ 1,560,529</u>	<u>\$ 2,569,780</u>	<u>\$ 22,673,169</u>	<u>\$ 21,276,558</u>	<u>\$ 1,396,611</u>
						General Reserve	\$ 1,389,111
						Contingency Reserve	\$ 7,500
							<u>\$ 1,396,611</u>
<b>205 LOCAL TRANSPORTATION FUND</b>							
Current Final Budget Totals	\$ 942,010	\$ 527,555	\$ -	\$ -	\$ 1,469,565	\$ 1,336,630	\$ 132,935
Adjustments:							
To Revise Fund Balance	119,037	-	-	-	119,037	-	119,037
Schedule 1	-	339,000	-	-	339,000	-	339,000
Schedule 3	-	-	-	-	-	(1,200)	1,200
Adjusted Final Budget	<u>\$ 1,061,047</u>	<u>\$ 866,555</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,927,602</u>	<u>\$ 1,335,430</u>	<u>\$ 592,172</u>
<b>207 SPECIAL GAS TAX STREET IMPROVEMENT FUND</b>							
Current Final Budget Totals	\$ 1,401,896	\$ 1,344,295	\$ -	\$ (508,000)	\$ 2,238,191	\$ 2,179,906	\$ 58,285
Adjustments:							
To Revise Fund Balance	(791,386)	-	-	-	(791,386)	-	(791,386)
Schedule 1	-	882,000	-	-	882,000	-	882,000
Schedule 3	-	-	-	-	-	(38,500)	38,500
Adjusted Final Budget	<u>\$ 610,510</u>	<u>\$ 2,226,295</u>	<u>\$ -</u>	<u>\$ (508,000)</u>	<u>\$ 2,328,805</u>	<u>\$ 2,141,406</u>	<u>\$ 187,399</u>

	Estimated Available Balance	+ Revenue Other Than Current Property Tax	Total + Property Tax Revenue	+ Interfund Transfers	= Total Appropriations	= Expenditure Appropriations	+ Reserve Appropriations
<b>208 CITY PARKING METER FUND</b>							
Current Final Budget Totals	\$ 5,644	\$ 11,000	\$ -	\$ (11,000)	\$ 5,644	\$ -	\$ 5,644
Adjustments:							
To Revise Fund Balance	<u>(5,644)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(5,644)</u>	<u>-</u>	<u>(5,644)</u>
Adjusted Final Budget	<u>\$ -</u>	<u>\$ 11,000</u>	<u>\$ -</u>	<u>\$ (11,000)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
<b>209 PARKING FUND</b>							
Current Final Budget Totals	\$ 124,118	\$ 99,500	\$ -	\$ -	\$ 223,618	\$ 163,491	\$ 60,127
Adjustments:							
To Revise Fund Balance Schedule 1	<u>(70,371)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(70,371)</u>	<u>-</u>	<u>(70,371)</u>
		<u>11,000</u>	<u>-</u>	<u>-</u>	<u>11,000</u>	<u>-</u>	<u>11,000</u>
Adjusted Final Budget	<u>\$ 53,747</u>	<u>\$ 110,500</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 164,247</u>	<u>\$ 163,491</u>	<u>\$ 756</u>
<b>212 SEWER SERVICE FUND</b>							
Current Final Budget Totals	\$ 3,769,401	\$ 2,553,548	\$ -	\$ (2,165,150)	\$ 4,157,799	\$ 3,970,219	\$ 187,580
Adjustments:							
To Revise Fund Balance Schedule 1	<u>(831,888)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(831,888)</u>	<u>-</u>	<u>(831,888)</u>
Schedule 3	<u>-</u>	<u>1,481,136</u>	<u>-</u>	<u>-</u>	<u>1,481,136</u>	<u>-</u>	<u>1,481,136</u>
		<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>(43,900)</u>	<u>43,900</u>
Adjusted Final Budget	<u>\$ 2,937,513</u>	<u>\$ 4,034,684</u>	<u>\$ -</u>	<u>\$ (2,165,150)</u>	<u>\$ 4,807,047</u>	<u>\$ 3,926,319</u>	<u>\$ 880,728</u>
<b>218 DOWNTOWN IMPROVEMENT DISTRICT</b>							
Current Final Budget Totals	\$ 364,813	\$ 85,000	\$ -	\$ 30,000	\$ 479,813	\$ 146,943	\$ 332,870
Adjustments:							
To Revise Fund Balance	<u>2,572</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2,572</u>	<u>-</u>	<u>2,572</u>
Adjusted Final Budget	<u>\$ 367,385</u>	<u>\$ 85,000</u>	<u>\$ -</u>	<u>\$ 30,000</u>	<u>\$ 482,385</u>	<u>\$ 146,943</u>	<u>\$ 335,442</u>
						General Reserve	\$ 181,276
						Contingency Reserve	\$ 154,166
							<u>\$ 335,442</u>

	Estimated Available Balance	+ Revenue Other Than Current Property Tax	Total + Property Tax Revenue	+ Interfund Transfers	= Total Appropriations	= Expenditure Appropriations	+ Reserve Appropriations
<u>224 HOUSING &amp; COMMUNITY DEVELOPMENT</u>							
Current Final Budget Totals	\$ 337,724	\$ 1,029,000	\$ -	\$ -	\$ 1,366,724	\$ 803,039	\$ 563,685
Adjustments:							
To Revise Fund Balance Schedule 3	767,398	-	-	-	767,398	-	767,398
Adjusted Final Budget	<u>\$ 1,105,122</u>	<u>\$ 1,029,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 2,134,122</u>	<u>\$ 746,378</u>	<u>\$ 1,387,744</u>
<u>230 AIRPORT FUND</u>							
Current Final Budget Totals	\$ 226,787	\$ 397,841	\$ -	\$ 132,419	\$ 757,047	\$ 741,082	\$ 15,965
Adjustments:							
To Revise Fund Balance Schedule 1	(518,969)	-	-	-	(518,969)	-	(518,969)
Schedule 2	-	418,700	-	-	418,700	-	418,700
Schedule 3	-	-	-	135,800	135,800	-	135,800
Adjusted Final Budget	<u>\$ (292,182)</u>	<u>\$ 816,541</u>	<u>\$ -</u>	<u>\$ 268,219</u>	<u>\$ 792,578</u>	<u>\$ 744,828</u>	<u>\$ 47,750</u>
<u>300 SCHOOL SITES &amp; FACILITIES TAX</u>							
Current Final Budget Totals	\$ 200,000	\$ 956,000	\$ -	\$ -	\$ 1,156,000	\$ 1,621,553	\$ (465,553)
Adjustments:							
To Revise Fund Balance Schedule 1	118,040	-	-	-	118,040	-	118,040
Adjusted Final Budget	<u>\$ 318,040</u>	<u>\$ 860,500</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,178,540</u>	<u>\$ 1,621,553</u>	<u>\$ (443,013)</u>
<u>306 SPECIAL AVIATION FUND</u>							
Current Final Budget Totals	\$ -	\$ 66,200	\$ -	\$ (66,200)	\$ -	\$ -	\$ -
Adjustments:							
Schedule 1	-	62,800	-	-	62,800	-	62,800
Schedule 2	-	-	-	(62,800)	(62,800)	-	(62,800)
Adjusted Final Budget	<u>\$ -</u>	<u>\$ 129,000</u>	<u>\$ -</u>	<u>\$ (129,000)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

	Estimated Available Balance	+ Revenue Other Than Current Property Tax	Total + Property Tax Revenue	+ Interfund Transfers	= Total =	Expenditure + Appropriations	Reserve + Appropriations
<u>321 SPECIAL FUND FOR CAPITAL OUTLAYS</u>							
Current Final Budget Totals	\$ 5,289,065	\$ 2,951,000	\$ -	\$ 1,956,172	\$ 10,196,237	\$ 7,997,070	\$ 2,199,167
Adjustments:							
To Revise Fund Balance Schedule 1	(518,127)	-	-	-	(518,127)	-	(518,127)
Schedule 2	-	182,600	-	-	182,600	-	182,600
Schedule 3	-	-	-	373,944	373,944	-	373,944
Adjusted Final Budget	<u>\$ 4,770,938</u>	<u>\$ 3,133,600</u>	<u>\$ -</u>	<u>\$ 2,330,116</u>	<u>\$ 10,234,654</u>	<u>\$ 7,912,774</u>	<u>\$ 2,321,880</u>
<u>323 TUOLUMNE RIVER PARK FUND</u>							
Current Final Budget Totals	\$ 376,047	\$ 114,373	\$ -	\$ 29,819	\$ 520,239	\$ 520,239	\$ 419,880
Adjustments:							\$ 1,902,000
To Revise Fund Balance Schedule 3	113,062	-	-	-	113,062	-	\$ 2,321,880
Adjusted Final Budget	<u>\$ 489,109</u>	<u>\$ 114,373</u>	<u>\$ -</u>	<u>\$ 29,819</u>	<u>\$ 633,301</u>	<u>\$ 633,301</u>	<u>\$ -</u>
<u>324 PARK FUND</u>							
Current Final Budget Totals	\$ 261,538	\$ 11,698	\$ 56,853	\$ -	\$ 330,089	\$ 329,132	\$ 957
Adjustments:							
To Revise Fund Balance Schedule 1	9,629	-	-	-	9,629	-	9,629
Adjusted Final Budget	<u>\$ 271,167</u>	<u>\$ 11,488</u>	<u>\$ 58,891</u>	<u>\$ -</u>	<u>\$ 341,546</u>	<u>\$ 329,132</u>	<u>\$ 12,414</u>
<u>325 PARK &amp; RECREATION FACILITIES</u>							
Current Final Budget Totals	\$ 164,108	\$ 70,000	\$ -	\$ -	\$ 234,108	\$ 216,293	\$ 17,815
Adjustments:							
To Revise Fund Balance	21,789	-	-	-	21,789	-	21,789
Adjusted Final Budget	<u>\$ 185,897</u>	<u>\$ 70,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 255,897</u>	<u>\$ 216,293</u>	<u>\$ 39,604</u>

Estimated Available Balance	+	Revenue Other Than Current Property Tax	+	Total Property Tax Revenue	+	Interfund Transfers	=	Total Appropriations	=	Expenditure Appropriations	+	Reserve Appropriations
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326 IN LIEU PARKING FUND

Current Final Budget Totals	\$	4,500	\$	-	\$	-	\$	-	\$	4,500	\$	-	\$	4,500
Adjustments:														
To Revise Fund Balance		<u>(3,000)</u>		<u>-</u>		<u>-</u>		<u>(3,000)</u>		<u>-</u>		<u>-</u>		<u>(3,000)</u>
Adjusted Final Budget	\$	<u>1,500</u>	\$	<u>-</u>	\$	<u>-</u>	\$	<u>1,500</u>	\$	<u>-</u>	\$	<u>-</u>	\$	<u>1,500</u>

328 STATE PARKS & RECREATION

Current Final Budget Totals	\$	540,597	\$	296,000	\$	-	\$	-	\$	836,597	\$	780,597	\$	56,000
Adjustments:														
To Revise Fund Balance Schedule 1		<u>(327,024)</u>		<u>-</u>		<u>-</u>		<u>(327,024)</u>		<u>-</u>		<u>-</u>		<u>(327,024)</u>
Adjusted Final Budget	\$	<u>213,573</u>	\$	<u>623,024</u>	\$	<u>-</u>	\$	<u>-</u>	\$	<u>836,597</u>	\$	<u>780,597</u>	\$	<u>56,000</u>

350 BUS SERVICE FUND

Current Final Budget Totals	\$	-	\$	2,534,180	\$	-	\$	-	\$	2,534,180	\$	2,534,180	\$	-
Adjustments:														
To Revise Fund Balance Schedule 1		<u>(401,815)</u>		<u>-</u>		<u>-</u>		<u>(401,815)</u>		<u>-</u>		<u>-</u>		<u>(401,815)</u>
Schedule 3		<u>-</u>		<u>8,620</u>		<u>-</u>		<u>8,620</u>		<u>-</u>		<u>(393,195)</u>		<u>393,195</u>
Adjusted Final Budget	\$	<u>(401,815)</u>	\$	<u>2,542,800</u>	\$	<u>-</u>	\$	<u>-</u>	\$	<u>2,140,985</u>	\$	<u>2,140,985</u>	\$	<u>-</u>

611 SPECIAL REVENUE SHARING TRUST FUND

Current Final Budget Totals	\$	1,089,163	\$	1,218,772	\$	-	\$	(2,240,172)	\$	67,763	\$	-	\$	67,763
Adjustments:														
To Revise Fund Balance		<u>5,296</u>		<u>-</u>		<u>-</u>		<u>5,296</u>		<u>-</u>		<u>-</u>		<u>5,296</u>
Adjusted Final Budget	\$	<u>1,094,459</u>	\$	<u>1,218,772</u>	\$	<u>-</u>	\$	<u>(2,240,172)</u>	\$	<u>73,059</u>	\$	<u>-</u>	\$	<u>73,059</u>

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1163

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$16,000 FROM RESERVE TO ESTABLISH ACCOUNT FOR ANIMAL CONTROL ENFORCEMENT AND EDUCATION IN THE ANIMAL CONTROL BUDGET.

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	Reserve (060-800-101)	\$16,000
TO:	Animal Control Enforcement (242-223-101) and Animal Control Education (243-223-101)	\$ 8,100 \$ 7,900

These monies referred to are not really a fund as such and should be appropriated from the reserve into accounts within the Animal Control Budget (223). The appropriation transfer moves this earmarked money into operating appropriations making it available for designated education and enforcement purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1164

A RESOLUTION WAIVING THE ONE YEAR LIMITATION ON A NEW APPLICATION BY CAROLYN C. CRAWFORD FOR AN AMENDMENT TO SECTION 30-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, TO RECLASSIFY CERTAIN PROPERTY LOCATED THEREON.

WHEREAS, Section 10-2.2103 of the Modesto Municipal Code provides that no application for a zone boundary change shall be accepted by the Planning Commission for any property or area for which a previous application for a zone boundary change has been denied until one year has elapsed from the date of such denial, except that the City Council or the Planning Commission may waive the one year limitation, and

WHEREAS, an application for a zone boundary change to amend Section 30-3-9 of the zoning map was filed on December 15, 1977, to rezone from Low Density Residential Zone, R-1, to Medium High Density Residential Zone, R-3, property located at the northwest corner of Emerald Avenue and Maze Boulevard in the City of Modesto, and

WHEREAS, at a public hearing held on March 13, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council of the City of Modesto denied the requested rezoning, and

WHEREAS, in accordance with the provisions of Section 10-2.2103 of the Modesto Municipal Code, the Council, at its meeting held on November 13, 1978, in accordance with a request from Carolyn C. Crawford, determined that it was appropriate to waive the one year limitation in order that Carolyn C. Crawford or her designated representative could submit a new application to the Planning Commission for an amendment to Section 30-3-9 of the Zoning Map to reclassify the property at the northwest corner of Maze Boulevard and Emerald Avenue in the City of Modesto for which rezoning had been previously denied,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that in accordance with the provisions of Section 10-2.2103 of the Modesto Municipal Code, it hereby waives the one year limitation for Carolyn C. Crawford or her designated representative to submit a new application to the Planning Commission for an amendment to Section 30-3-9 of the Zoning Map to reclassify the following described property:

All that portion of Lot 19 of Maze Ranch Subdivision, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on March 19, 1909, in Volume 4 of Maps, Page 18, described as follows:

Commencing at the South quarter corner of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North  $89^{\circ} 45' 30''$  West along the Southerly line of said Section 30, a distance of 20.00 feet to the Southeast corner of Lot 19 of said Maze Ranch Subdivision and being the true point of beginning of this description; thence continue North  $89^{\circ} 45' 30''$  West and being along the center line of Maze Boulevard a distance of 202.62 feet, thence North  $0^{\circ} 14' 30''$  East, a distance of 200.00 feet; thence South  $89^{\circ} 45' 30''$  East parallel with the Southerly line hereof, a distance of 200.02 feet to a point on the East line of said Lot 19 and being in the centerline of Emerald Avenue; thence South  $0^{\circ} 30' 15''$  East along last mentioned line, a distance of 200.00 feet to the true point of beginning.

Excepting that portion of property lying within the Maze Boulevard right-of-way which is zoned R-A.

BE IT FURTHER RESOLVED that this Council finds and determines that the waiving of the one year limitation will not adversely affect the interest of the general public.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by

Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kulljian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kulljian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William T. Nichols*  
Director of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1165

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR INSTALLATION OF DRAPERIES AT THE MODESTO CITY HALL**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for installation of draperies at the Modesto City Hall copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 12, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1166

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR CONSTRUCTION OF WATERLINE EXTENSIONS IN CONANT AVENUE AND STANDIFORD AVENUE**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for construction of waterline extensions in Conant Avenue and Standiford Avenue copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on November 28, 1978 at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1167**

**A RESOLUTION ACCEPTING THE BID OF HOWK WELL AND EQUIPMENT COMPANY  
FOR CONSTRUCTION OF PUMP STATION NO. 43**

**WHEREAS, Resolution No. 78-1092, adopted by the Council of the  
City of Modesto on October 23, 1978, approved the plans and speci-  
fications for the construction of Pump Station No. 43**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of Pump Station  
No. 43  
were opened at 11:00 a.m. on November 7, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of Howk Well and Equipment Company in the amount of \$72,106.00  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Howk Well and Equipment Company in the amount of \$72,106.00  
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 13th day of November,**

19 78, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Mayor Davies, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Siefkin, Mayor Davies

**NOES:** Councilmembers: Mensinger

**ABSENT:** Councilmembers: Dunlap

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1168

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN "K" STREET AT 7TH STREET AND SUNRISE NO. 2

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in "K" Street at 7th Street and Sunrise No. 2 has been completed by Mac's Backhoe Service

in accordance with the contract agreement dated May 22, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in "K" Street at 7th Street and Sunrise No. 2

be accepted from said contractor, Mac's Backhoe Service;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$16,623 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 November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1169

A RESOLUTION AUTHORIZING THE DIRECTOR OF PARKING AND TRAFFIC TO BID ON TWO BUSES FOR THE CITY OF MODESTO.

WHEREAS, the City of Modesto is in need of two additional buses to be used as spares in order to operate its bus system in an efficient and satisfactory manner, and

WHEREAS, the Santa Clara County Transit District is obtaining federal approval to sell several of its buses and intends to sell them at public auction in approximately two months, and

WHEREAS, the City of Modesto's Director of Parking and Traffic estimates that the buses to be sold by the Santa Clara County Transit District are worth up to a maximum of Four Thousand and no/100ths (\$4,000.00) Dollars each,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Parking and Traffic to submit bids at an auction to be held by the Santa Clara County Transit District for two buses which said district is selling, subject to the condition that the bids on the two buses shall not exceed the sum of Four Thousand and no/100ths (\$4,000.00) Dollars each.

BE IT FURTHER RESOLVED that the Director of Parking and Traffic is further authorized to sign all necessary documents required by the Santa Clara County Transit District for the purchase of up to two buses if the bids submitted are accepted, and are in accordance with the provisions specified in 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 November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kulljian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1170

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$8,000 FROM CONTRACTUAL SERVICES TO THE TWO SPARE BUSES ACCOUNT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	P/T Contractual Services (235-350)	\$8,000
TO:	P/T Two Spare Buses (6280-350)	\$8,000

Money needed to bid for two buses at an auction to be held by the Santa Clara County Transit District. Buses will be used as spares.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1171

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO REZONING CERTAIN PROPERTY LOCATED THEREON. (EDWARD G. WYLIE)

WHEREAS, on November 13, 1978, the City Council adopted Ordinance No. 1784 -C. S. giving approval to a project relating to an amendment to Section Map 22-3-9 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 22-3-9 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November \_\_\_\_\_, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Kulligian

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyze*  
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1172

A RESOLUTION DENYING THE APPEAL FILED BY ROBERT R. BRADEN OF MID VALLEY ENGINEERING ON BEHALF OF EDWARD G. WYLIE FOR AN AMENDMENT TO SECTION MAP 22-3-9 OF THE ZONING MAP TO RE-ZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, AND MEDIUM DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D, AND AFFIRMING THE DECISION OF THE PLANNING COMMISSION.

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Edward G. Wylie on August 15, 1978, to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, property located at the southwest corner of Orangeburg Avenue and Oakdale Road, described as follows:

R-1 to P-D

ALL that certain real property situate in a portion of Lot 9 of the Broughton Colony according to the Official Map thereof filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, and lying in a portion of the Northeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, State of California described as follows:

COMMENCING at the Northeast corner of said Lot 9 at the intersection of the centerlines of East Orangeburg Avenue and Oakdale Road; thence South  $89^{\circ}54'44''$  West, along the North line of said Lot 9, a distance of 300.02 feet; thence South  $0^{\circ}45'$  East, parallel with and 300.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 130.01 feet to the point of beginning of this description; thence continuing South  $0^{\circ}45'$  East, parallel with and 300.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 398.52 feet; thence North  $87^{\circ}09'03''$  West, 10.02 feet; thence North  $0^{\circ}45'$  West, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 398.01 feet; thence North  $89^{\circ}54'44''$  East, parallel with and 130.00 feet distant Southerly measured at right angles from said North line of Lot 9, a distance of 10.00 feet to the point of beginning.

Containing 0.091 Acres

R-2 to P-D

BEGINNING at the Northeast corner of said Lot 9, at the intersection of the centerline of East Orangeburg Avenue and Oakdale Road; thence South 0°45' East, along said centerline of Oakdale Road, a distance of 661.93 feet to the Southeast corner of said Lot 9; thence South 89°54'30" West, along said South line of Lot 9, a distance of 310.02 feet; thence North 0°45' West, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 133.93 feet; thence South 87°09'03" East, 10.02 feet; thence North 0°45' West, parallel with and 300.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 398.52 feet; thence South 89°54'44" West, parallel with and 130.00 feet distant Southerly measured at right angles from the North line of said Lot 9, a distance of 10.00 feet; thence North 0°45' West, parallel with and 310.00 feet distant Westerly measured at right angles from said centerline of Oakdale Road, a distance of 130.01 feet to a point on the North line of said Lot 9; thence North 89°54'44" East, along said North line of Lot 9, a distance of 310.02 feet to the point of beginning.

Containing 4 52 Acres,

and

WHEREAS, said application was set for public hearing before the Planning Commission at its regular meeting of September 19, 1978, at its regular meeting place located in the Council Chambers in the City Hall, 801 - 11th Street, Modesto, California, and

WHEREAS, at said meeting, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 78-181, denied the requested amendment to Section 22-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, the property described above for the following reasons:

1. Commercial development of the property would foster development of a commercial strip along Oakdale Road from Scenic Drive north at least as far as Briggsmore Avenue.
2. There is adequate commercial zoning in the area.
3. Commercial development would not be compatible with residential uses existing and proposed to the west.
4. Commercial development would increase traffic and turning movements on Oakdale Road,

and

WHEREAS, an appeal was filed with the City Clerk of the City of Modesto by a letter dated September 28, 1978, by Robert R. Braden of Mid Valley Engineering on behalf of Edward G. Wylie to the decision of the Planning Commission denying said application to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, the property hereinabove described located at the southwest corner of Orangeburg Avenue and Oakdale Road in the City of Modesto, and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:30 o'clock p.m. on November 13, 1978, and

WHEREAS, at said meeting said Council, after hearing evidence both oral and documentary, found and determined that the appeal filed by Robert R. Braden of Mid Valley Engineering on behalf of Edward G. Wylie to the decision of the Planning Commission denying rezoning from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, the above described property located at the southwest corner of Orangeburg Avenue and Oakdale Road in the City of Modesto, should be denied for the reasons set forth in Planning Commission Resolution No. 78-181 and quoted above, and that the decision of the Planning Commission denying the requested rezoning should be affirmed, and

WHEREAS, the City Council at said Council meeting 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 proposed rezoning,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal filed by Robert R. Braden of Mid Valley Engineering on behalf of Edward G. Wylie to the decision of the Planning Commission, as set forth in Planning Commission Resolution No. 78-181 denying rezoning from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D, the above described property located at the southwest corner of Orangeburg Avenue in the City of Modesto, be denied, for the reasons set forth in Planning Commission Resolution No. 78-181, and quoted above, and that the decision of the Planning Commission denying the requested rezoning is hereby affirmed.

BE IT FURTHER RESOLVED by the Council 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 proposed rezoning.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by

Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyke*  
NORRINE COYKE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William D. ...*  
Director of Planning and Community  
Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1173

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED DEVELOPMENT ZONE, P-D(207).

WHEREAS, a verified application for an amendment to Section 12-3-8 of the Zoning Map was filed by Paul Rumble on July 17, 1978, to rezone from Low Density Residential Zone, R-1, Medium Density Residential Zone, R-2, and Highway Frontage Zone, H-1, to Planned Development Zone, property located at the northeast corner of Rumble Road and Sisk Road, described as follows:

Part 1 - H-1 to P-D

ALL that certain real property situate in a portion of the Southwest quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

The Westerly 347.82 feet of the following described property:

COMMENCING at the Southwest corner of said Section 12; thence North  $0^{\circ} 48' 40''$  West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the Westerly prolongation of the center line of Rumble Road; thence North  $88^{\circ} 45' 45''$  East, along said westerly prolongation of the centerline of Rumble Road, a distance of 2.52 feet, to the intersection with the centerline of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North  $86^{\circ} 23' 04''$  East; thence Northerly along said curve and the centerline of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of  $2^{\circ} 34' 53''$ , to a tangent line; thence North  $1^{\circ} 02' 03''$  West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North  $69^{\circ} 42' 07''$  East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et. al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South  $0^{\circ} 48' 40''$  East, along said West line of the Harold O. Miller property a distance of 353.72 feet to said centerline of Rumble Road; thence South  $88^{\circ} 45' 45''$  West, along said centerline of Rumble Road, a distance of 650.54 feet to the point of beginning.

Part 2 - R-2 to P-D

The Easterly 302.72 feet of the following described property:

COMMENCING at the Southwest corner of said Section 12; thence North  $0^{\circ} 48' 40''$  West, along the West line of said Section 12, a distance of 20.00 feet to the intersection with the westerly prolongation of the centerline of Rumble Road; thence North  $88^{\circ} 45' 45''$  East, along said westerly prolongation of the centerline of Rumble Road, a distance of 2.52 feet, to the intersection with the centerline of Dale Road and the point of beginning, said point of beginning being a point on a curve, being concave to the East, from which a radial line bears North  $86^{\circ} 23' 04''$  East; thence Northerly along said curve and the centerline of Dale Road, a distance of 72.08 feet, having a radius of 1600.00 feet and a central angle of  $2^{\circ} 34' 53''$  to a tangent line; thence North  $1^{\circ} 02' 03''$  West along said tangent line, a distance of 55.56 feet, to the Westerly prolongation of the Southerly line of the Hetch-Hetchy right-of-way; thence North  $69^{\circ} 42' 07''$  East, along said Westerly prolongation and the Southerly line of the Hetch-Hetchy right-of-way, a distance of 692.30 feet to the West line of the property conveyed to Harold O. Miller, et. al. by Volume 2523 of Official Records at Page 730, Stanislaus County Records; thence South  $0^{\circ} 48' 40''$  East, along said West line of the Harold O. Miller property a distance of ~~353.72 feet~~ to said centerline of Rumble Road; thence South  $88^{\circ} 45' 45''$  West, along said centerline of Rumble Road, a distance of ~~650.54 feet~~ to the point of beginning.

Part 3 - R-1 to P-D.

All of the Southerly 55 feet of Hetch-Hetchy right-of-way immediate to the above H-1 to P-D and R-2 to P-D described properties,

and

WHEREAS, a public hearing was held on said application before the Planning Commission at its meeting of August 15, 1978, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, thereafter the Planning Commission adopted Resolution No. 78-155 determining that rezoning of the property as requested was not required by public necessity, convenience and general welfare for the reasons set forth in said Planning Commission Resolution No. 78-155 and denied the application of Paul Rumble for an amendment to Section 12-3-8 of the Zoning Map to rezone the property described above from Low Density Residential Zone, R-1, Medium Density Residential Zone, R-2, and Highway Frontage Zone, H-1, to Planned Development Zone, P-D, and

WHEREAS, an appeal to the decision of the Planning Commission was filed with the City Council of the City of Modesto by Dennis E. Wilson of Mid Valley Engineering, on behalf of Paul Rumble, by a letter dated August 25, 1978, and

WHEREAS, on September 5, 1978, the City Council, by Resolution No. 78-942, set said appeal for a public hearing on October 23, 1978, and

WHEREAS, at said meeting the Council held said public hearing and thereafter continued said matter to November 13, 1978, for further consideration, and

WHEREAS, the Council, after having heard evidence both oral and documentary finds and determines that the appeal filed by Dennis E. Wilson of Mid Valley Engineering, on behalf of Paul Rumble, should be granted and the decision of the Planning Commission overruled for the following reasons:

1. The proposed P-D Zone expands an existing H-1 zoned area to approximately 610 feet deep from Sisk Road, a major street, to accommodate a major home improvement center of regional importance, an appropriate use near Freeway 99 and the Vintage Faire Regional Shopping Center.
2. The P-D plot plan with conditions of approval insures neighborhood compatibility,

and

WHEREAS, the Council has introduced Ordinance No. 1785 -C. S. on the 13th day of November, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1, Medium Density Residential Zone, R-2, and Highway Frontage Zone, H-1, to Planned Development Zone, P-D(207),

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(207), is hereby approved in accordance with the plot plan titled "Plot Plan to Accompany Planned Development for Paul Rumble, as amended in red on its face, stamped approved by the City Council on November 6, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with said plans. Irrigation shall be by underground sprinkler system. Screen landscaping shall be installed along the easterly property line.
2. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
3. That prior to the issuance of a building permit, the developer shall pay the City of Modesto the cost of planting street trees along the property's street frontages with the number of trees to be determined by the Director of Public Works.
4. That the applicant shall install one fire hydrant and the pipeline system therefor in accordance with the requirements and to the specifications of the Fire Chief. Said hydrant shall be installed and operable prior to construction of any structures.
5. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or of decorative masonry as determined by the Director of Planning and Community Development.
6. That the commercial facility may be open to the public only between the hours of 7 a.m. and 10 p.m. of each day, seven days a week.
7. That prior to occupancy of the premises, an eight-foot high solid decorative masonry wall shall be constructed along the easterly boundary of the property adjacent to residential zoning.
8. That all signs shall comply with the sign requirements of the H-1 Zone.
9. That no signs shall be permitted on the easterly face of the material storage building adjacent to residentially zoned property.
10. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, 10-2.1808, and 10-2.1810 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.

11. That the development shall be connected to public water and sewer facilities in accordance with the requirements of the Director of Public Works.
12. That 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 located on the premises shall be soundproofed in accordance with the requirements of the Director of Public Works.
13. That prior to the issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies serving the development and in accordance with the requirements of the Director of Public Works.
14. That all outdoor lighting shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
15. That prior to issuance of a building permit for any development or upon demand by the City, the developer shall dedicate additional right-of-way to complete Sisk Road to a major street standard and Rumble Road to a collector street standard in accordance with the requirements of the Director of Public Works.
16. That the developer shall improve Sisk Road to major street standards and Rumble Road to collector street standards in accordance with the requirements of the Director of Public Works prior to occupancy or upon demand by the City of Modesto, whichever occurs first.
17. That prior to issuance of a building permit, street improvement plans for the required street improvements shall be prepared by a registered civil engineer and submitted to the City Engineer for approval. All public improvements shall be constructed in accordance with the approved plans and dedications shall be made prior to occupancy of the premises as required by the Director of Public Works, or by January 1, 1982, whichever occurs first.
18. That prior to the issuance of a building permit, if the required public street improvements have not been installed, a cash deposit, savings and loan certificate, surety bond, or other instrument of credit in an amount to be determined by the City Engineer, shall be filed with the City Clerk to guarantee installation of public improvements by not later than January 1, 1982, or prior to occupancy, whichever occurs first.
19. That prior to the issuance of a building permit, payment shall be made to the City for one-fourth of the cost of widening the Sisk Road crossing of the Hetch-Hetchy right-of-way in accordance with the policy adopted by the City Council on April 5, 1972, by Resolution No. 72-468. Said payment shall be in the amount estimated by the City Engineer. ;
20. That a fire vehicle accessway, a minimum 20-foot clear and unobstructed width, shall be provided and maintained by the developer as shown in red on the plot plan.
21. That sufficient Hetch-Hetchy right-of-way, the width and location to be determined by Hetch-Hetchy and the City of Modesto, be reserved for future use as a bikeway.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (207):

That the construction project be accomplished in one phase with development to commence on or before January 1, 1981; and be completed on or before January 1, 1982.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (207) 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 November, 1973, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:


AYES: Councilmembers: Elliott, Kullijian, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger, Siefkin

(SEAL)


APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

ATTEST:

  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1174

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 12-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO REZONING CERTAIN PROPERTY LOCATED THEREON. (PAUL RUMBLE)

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WHEREAS, on November 13, 1978, the City Council adopted Ordinance No. 1785 -C. S. giving approval to a project relating to an amendment to Section Map 12-3-8 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, Medium Density Residential Zone, R-2, and Highway Frontage Zone, H-1, to Planned Development Zone, P-D(207), and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section 12-3-8 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, Medium Density Residential Zone, R-2, and Highway Frontage Zone, H-1, to Planned Development Zone, P-D(207)

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The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Mensinger, Siefkin

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1175

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MACKAY AND SOMPS CIVIL ENGINEERS INC. FOR THE DESIGN AND PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE WEST TRUNK SEWER EXTENSION PROJECT**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and MacKay and Somps Civil Engineers, Inc.

**for** the design and plans and specifications for the construction of the West Trunk Sewer Extension 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 10th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Lang, Mensinger, Mayor Davies

**NOES:** Councilmembers: Kullijian

**ABSENT:** Councilmembers: Dunlap, Siefkin

**ATTEST:** Norrine Coyne  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1176

A RESOLUTION ACCEPTING IMPROVEMENTS IN DAVIDSON ESTATES SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION INSTRUMENTS OF CREDIT

WHEREAS, Hilda Investments, Inc.,

subdividers of Davidson Estates Subdivision, have filed subdivi-  
Instruments of Credit  
sion / for faithful performance and labor and materials in the  
amount of \$98,600 and \$49,300 respectively to guarantee improvements  
in Davidson Estates Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated  
November 7, 1973, 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 Instruments of Credit  
/ upon expiration of  
the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto:

1. The improvements in Davidson Estates Subdivision are  
hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
Instrument of Credit  
/ for faithful performance in the amount of \$98,600.00 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
Instrument of Credit  
/ for labor and materials in the amount of \$49,300.00 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978 by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Siefkin , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1177**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY TO ACQUIRE SIX REMAINING PARCELS ON THE ORANGEBURG-COLLIER TO COFFEE PROJECT.**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto that December 4, 1978, 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 acquiring six remaining parcels on the Orangeburg-Collier to Coffee project.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:**

**AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Dunlap**

**ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1178

A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON BUS RIDER PROMOTION.  
PLAN

BE IT HEREBY RESOLVED by the Council of the City of Modesto that November 27, 1978, 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 bus rider promotion plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

RESOLUTION NO. 1179

NOT USED

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 1130

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. 67-66 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 an amendment 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 ABOLISHED. The Position Classification Plan of the City of Modesto is hereby amended to abolish the classification of Assistant Fire Chief.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is further amended to amend the title of the classification of Battalion Chief to Fire Battalion Chief and further to amend the specifications for said classification as shown on Exhibit "A" attached hereto and hereby approved and made a part of the Position Classification Plan 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 13th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

## FIRE BATTALION CHIEF

DEFINITION

Under direction, to assist in the management of the Fire Department by assignment as Fire Marshal, Operations Commander, Training Officer, or Shift Commander; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

This is the management-level classification immediately below Fire Chief and above that of Fire Lieutenant. Assignments will vary, depending upon the needs of the department and the abilities, experience and interests of those appointed. Those assigned as Fire Marshal and Operations Commander may receive higher compensation, as recommended by the Fire Chief and approved by the City Manager.

EXAMPLES OF DUTIESAssignment as Fire Marshal:

Supervises and participates in the activities of the Fire Prevention Bureau including the inspection of residential, commercial, industrial, institutional, public assembly, and public lodging facilities to obtain compliance with all applicable federal, state, and principal laws and ordinances; responsible for the development and control of the fire prevention budget; investigates fires to determine causes and damages, keeps records of fire losses, inspections, investigations, fire deaths and injuries; conducts monthly evacuation drills in all schools, hospitals, and convalescent homes; investigates complaints, answers questions, and provides public information regarding hazards and prevention of fires; instructs fire personnel in inspection techniques and code requirements; reviews plans and specifications for all building construction and remodeling except private residential buildings; provides for weed abatement; maintains proper employee morale and discipline within Fire Prevention Bureau.

Assignment as Operations Commander:

Assists in planning, directing, and reviewing activities of suppression personnel performing safety inspection, prevention, and fire fighting work; responsible for the development and control of the fire suppression budget; assists in administration of departmental activities; assists in selecting and assigning personnel and in maintaining proper employee morale and discipline; answers fire alarms when required or requested; confers with the Fire Chief in determining matters of policy for the operation of the department; directs a program of hydrant maintenance; vehicle maintenance, and stores; coordinates communication facilities; assists in development and maintenance of an adequate system of files, records, and reports; investigates complaints from fire department employees and the public; and performs administrative staff work; assumes command of the Fire Department in the absence of the Fire Chief.

### Assignment as Training Officer:

Under direction of Fire Chief, plans and directs a continuous training program for suppression personnel; instructs and drills fire department personnel in fire fighting methods, techniques, and related subjects; coordinates related in-service training with other City departments; prepares reports and maintains records; serves as a Shift Commander when needed and responds to fires and emergencies.

### Assignment as Shift Commander:

Plans, coordinates, and directs on-duty fire suppression companies; responds to all structural first-alarms and all other emergencies, as required; commands all fire and emergency activities until relieved by a superior officer, then continues to provide command assistance as designated by that superior officer; schedules all fire suppression personnel assignments for a shift; maintains proper employee morale and discipline, and compliance with departmental rules and regulations; prepares reports and maintains records; requisitions and distributes materials and supplies; authorizes and completes emergency repairs to fire fighting vehicles and equipment; provides information for the public upon request and investigates complaints.

### SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles.

Incumbents may be required to file a Statement of Economic Interests.

### EMPLOYMENT STANDARDS

#### Knowledge of:

- Modern methods of fire department administration;
- Modern principles and practices of fire prevention and suppression;
- Use and maintenance of fire fighting equipment and apparatus;
- First aid, rescue and resuscitation methods;
- Departmental rules and regulations;
- State and local laws affecting fire prevention;
- City geography, fire hazards, and fire fighting resources such as personnel, equipment, water supply and communications.

and

#### Ability to:

- Assume leadership in planning and directing fire prevention and fire fighting activities;
- Select, assign, train, and lead fire fighting personnel;
- Plan, lay out and direct the work of fire suppression personnel;
- Maintain effective employee discipline and morale;
- Keep records and prepare reports;
- Make detailed investigations and analyze findings;
- Establish and maintain effective working relationships with subordinates, other officials, and the public;

Recognize fire hazards common to places of public assembly;  
Run 1-1/2 miles within the maximum time limit established for that  
age group.

and

**Experience:**

Five years in a municipal fire department, including at least eighteen  
months experience as a Fire Lieutenant or higher rank.

**DESIRABLE QUALIFICATIONS**

Completion of an Associate of Arts or Associate of Science Degree in  
Business or Public Administration, Engineering, or Fire Science.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1181

A RESOLUTION AMENDING EXHIBIT "F" OF, AND ADDING SECTION 8a TO RESOLUTION NO. 77-660 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE".

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT OF EXHIBIT "F" OF RESOLUTION NO. 77-660.

Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78" attached to Resolution No. 77-660, is hereby amended as shown on the amended Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "F" deletes the position of Assistant Fire Chief, Range 532.0, and amends the title of Battalion Chief to Fire Battalion Chief.

SECTION 2. ADDITION OF SECTION 8a TO RESOLUTION NO. 77-660.

Section 8a is hereby added to Resolution No. 77-660 to read as follows:

SECTION 8a. DIFFERENTIAL PAY - Fire Battalion Chief. A Fire Battalion Chief assigned by the Fire Chief as either Operations Commander or Fire Marshall may be paid, upon recommendation of the Fire Chief and approval of the City Manager, in addition to the salary fixed and established for the classification of Fire Battalion Chief, additional compensation of up to ten (10%) percent of the compensation which the employee would otherwise be entitled to receive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by

Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

CITY OF MODESTO  
ALPHABETICAL LISTING OF CLASSIFICATIONS IN CITY SERVICE  
1978-79

(Effective 7-7-78, amended 7-24-78, 10-9-78, 11-13-78)

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
111.5	Account Clerk I	433.0	Chief Building Official
114.5	Account Clerk II	429.0	Chief Electrician
116.5	Account Clerk III	N/A	Chief of Police
119.5	Account Clerk IV	N/A	City Attorney
126.0	Accountant	N/A	City Clerk and Auditor
132.0	Accounting Administrator	N/A	City Manager
426.0	Administrative Analyst	117.5	Civil Engineering Technician I
426.5	Administrative Assistant (Parking & Traffic)	120.5	Civil Engineering Technician II
429.0	Airport Manager	123.5	Civil Engineering Technician III
424.5	Airport Maintenance Supervisor	426.5	Civil Engineering Technician IV
118.5	Animal Control Officer	124.0	Coach Mechanic
122.0	Assistant Building Inspector	120.5	Community Service Officer
633.0	Assistant Chief of Police	119.5	Computer Operator
434.0	Assistant City Attorney	125.0	Construction Inspector
420.5	Assistant City Clerk	426.5	Data Processing Supervisor
429.0	Assistant Civil Engineer	427.0	Deputy City Attorney I
436.0	Assistant Director of Public Works	312.0	Detective
122.5	Assistant Electrician	N/A	Director of Finance
532.0	Assistant Fire Chief	N/A	Director of Management Services
426.0	Assistant Planner	N/A	Director of Parking and Traffic
426.0	Assistant Property Agent	N/A	Director of Parks and Recreation
122.0	Assistant Public Services Inspector	N/A	Director of Planning and Community Development
122.0	Assistant Zoning Inspector	N/A	Director of Public Works and City Engineer
432.0	Associate Civil Engineer		
429.0	Associate Planner	120.5	Electrical Technician
		118.5	Electrical Trainee
426.0	Budget Accountant	124.5	Electrician
125.0	Building Inspector	122.0	Equipment Mechanic
424.5	Building Maintenance Supervisor	120.5	Equipment Operator
120.5	Building Maintenance Worker	427.0	Equipment Repair Shop Supervisor
122.5	Building Maintenance Leadworker	119.5	Equipment Service Worker

## ALPHABETICAL LISTING (Continued)

<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
Financial Specialist	113.5	Office Services Clerk
Fire Battalion Chief	122.5	Office Services Supervisor
Fire Chief	117.5	Offset Duplicating Equipment Operator
Fire Engineer	122.5	Parking and Traffic Leadworker
Fire Fighter	120.5	Parking and Traffic Maintenance Worker
Fire Lieutenant	122.5	Parks Maintenance Leadworker
Fire Prevention Inspector Trainee	424.5	Parks Maintenance Supervisor I
Heavy Equipment Operator	426.5	Parks Maintenance Supervisor II
Housing Conservationist	112.0	Parks Maintenance Trainee
Housing Program Officer	118.5	Parks Maintenance Worker I
Industrial Waste Inspector	120.5	Parks Maintenance Worker II
Janitor	433.0	Parks and Recreation Superintendent
Junior Accountant	413.5	Personnel Clerk I
Junior Civil Engineer	416.5	Personnel Clerk II
Junior Planner	432.0	Personnel Manager
Keypunch Operator	420.5	Personnel Technician I
Laboratory Technician	423.5	Personnel Technician II
Laborer	426.0	Plan Review Engineer I
Landscape Designer	429.0	Plan Review Engineer II
Lead Building Inspector	117.5	Planning Technician I
Lead Coach Mechanic	120.5	Planning Technician II
Lead Electrician	123.5	Planning Technician III
Lead Equipment Mechanic	632.0	Police Captain
Legal Secretary	630.0	Police Lieutenant
Management Assistant	310.0	Police Officer
Management Assistant (Risk Manager)	117.5	Police Property Clerk
Microfilm and Graphics Technician	425.0	Police Records Supervisor
Microfilm and Graphics Technician II	627.0	Police Sergeant
Motor Sweeper Operator	425.0	Police Services Supervisor
Museum Supervisor	426.0	Programmer Analyst
Nursery Propagator	430.0	Property Agent
	125.0	Public Services Inspector
	114.5	Public Services Trainee
	122.5	Public Works Leadworker

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
112.0	Public Works Maintenance Trainee	113.5	Telephone Operator-Receptionist
118.5	Public Works Maintenance Worker I	429.0	Transit Manager
120.5	Public Works Maintenance Worker II	120.5	Tree Trimmer I
424.5	Public Works Supervisor I	122.5	Tree Trimmer II
426.5	Public Works Supervisor II	111.5	Typist Clerk I
120.5	Pump Maintenance Worker	113.5	Typist Clerk II
124.0	Purchasing Assistant		
429.0	Purchasing Officer	424.5	Warehouse Supervisor
		118.5	Wastewater Treatment Plant Attendant
426.0	Recreation Supervisor	122.5	Wastewater Treatment Plant Mechanic
125.0	Rehabilitation Specialist	120.5	Wastewater Treatment Plant Operator I
		122.5	Wastewater Treatment Plant Operator II
116.5	Secretary I	426.5	Wastewater Treatment Plant Supervisor
418.5	Secretary II	432.0	Water Quality Control Superintendent
420.5	Secretary to the City Attorney	114.5	Word Processing Technician I
421.5	Secretary to the City Manager	116.5	Word Processing Technician II
426.5	Senior Building Inspector	113.5	Word Processing Trainee
124.0	Senior Equipment Mechanic		
432.0	Senior Planner	125.0	Zoning Inspector
428.0	Senior Rehabilitation Specialist		
423.5	Social Services Coordinator		
114.5	Stenographer Clerk		
118.5	Storeskeeper I		
120.5	Storeskeeper II		
120.5	Street Trees Maintenance Worker II		
116.5	Supervising Clerk I		

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1182

A RESOLUTION APPOINTING MEMBER OF THE YOUTH COMMISSION (Julie Crawford)

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 Youth Commission for the respective term as indicated:

Julie Crawford  
1901 Elder Lane  
Modesto, Ca. 95355

Term to expire 5-31-79

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Youth Commission and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1183

RE-  
A RESOLUTION/APPOINTING MEMBERS OF THE CULTURE COMMISSION (Ruth Smith and Robert H. Stuart)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons <sup>are</sup> / hereby <sup>re-</sup> / appointed to the Culture Commission for the respective term as indicated:

Robert H. Stuart  
2535 River Road  
Modesto, Ca. 95351  
(Term expires 1/1/82)

Ruth Smith  
302 Northwood Dr.  
Modesto, Ca. 95350  
(Term expires 1/1/83)

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly <sup>re-</sup> / appointed members 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 13th day of November, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Siefkin

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1184

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE PLANNING COMMISSION (Charles E. Jolitz)

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<sup>re-</sup>appointed to the Planning Commission for the respective term as indicated:

Charles E. Jolitz  
804 Carmel Drive  
Modesto, Ca. 95354  
(Term to expire 1/1/83)

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly<sup>re-</sup>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 13th day of November, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1185

RE-  
A RESOLUTION/APPOINTING MEMBER OF THE BOARD OF ZONING ADJUSTMENT  
(Blaine Pack)

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 <sup>re-</sup>appointed to the Board of Zoning Adjustment for the respective term as indicated:

Blaine Pack  
1108 Bristol Lane  
Modesto, Ca. 95350  
(Term to expire 1/1/83)

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly <sup>re-</sup>appointed member of the Board of Zoning Adjustment and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Siefkin

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1186

RE-  
A RESOLUTION/APPOINTING MEMBERS OF THE FARM-CITY ADVISORY COMMITTEE  
(Larry Carter, John Funnell, Gerald Oberkamper, Frank Van Konynenburg)

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons / <sup>are</sup> hereby / <sup>re-</sup> appointed to the Farm-City Advisory Committee for the respective term as indicated:

Larry Carter (Term to expire 5/1/82)  
John Funnell (Term to expire 5/1/82)  
Gerald Oberkamper (Term to expire 5/1/82)  
Frank Van Konynenburg (Term to expire 5/1/82)

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly / <sup>re-</sup> appointed members of the Farm-City 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 November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1187

RE-

A RESOLUTION/APPOINTING MEMBERS OF THE CITIZENS' HOUSING & COMMUNITY DEVELOPMENT COMMITTEE (LAURENCE B. MARTIN-SEAT 4), HOUSING MAINTENANCE & COUNSELING SUB-COMMITTEE (WALTER THOMPSON-SEAT 4, BART BENNETT-SEAT 5), REHABILITATION LOAN POOL SUB-COMMITTEE (EUSEBIO RAMIREZ-SEAT 5)

WHEREAS, Section 1102 of the Charter of the City of Modesto

authorizes the City Council to appoint members to various Boards and Commissions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The following persons/ <sup>are</sup> hereby/ <sup>re-</sup> appointed to the following committees for the respective term as indicated:

- |   |   |                    |                   |
|---|---|--------------------|-------------------|
| Citizens' Housing & Community Development Committee | - | Laurence B. Martin | (Expires 6/30/82) |
| Housing Maintenance & Counseling Sub-Committee      | - | Walter Thompson    | (Expires 6/30/82) |
|   |   | Bart Bennett       | (Expires 6/30/82) |
| Rehabilitation Loan Pool Sub-Committee              | - | Eusebio Ramirez    | (Expires 6/30/82) |

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly/ <sup>re-</sup> appointed members of the above-mentioned committees 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 November, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap, Siefkin

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1188

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING ONE COMBINATION TRACTOR-LOADER**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for furnishing one combination tractor-loader copies of which are on file, are hereby accepted and approved.

SECTION 2. The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 12, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1978, by Councilmember Siefkin, 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: Elliott, Kulligjian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1189**

**A RESOLUTION ACCEPTING THE BID OF E & S ELECTRICAL FOR CONSTRUCTION OF STREET LIGHT MODERNIZATION, COUNTY HOUSING AUTHORITY - BLOCK 3010**

**WHEREAS, Resolution No. 78-1026A, adopted by the Council of the City of Modesto on October 2, 1978, approved the plans and specifications for the construction of street light modernization, County Housing Authority - Block 3010**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of street light modernization, County Housing Authority - Block 3010 were opened at 11.00 a.m. on October 24, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of E & S Electrical in the amount of \$28,845.50**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of E & S Electrical in the amount of \$28,845.50**

**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 20th day of November,**

19 78, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1190**

**A RESOLUTION ACCEPTING THE BID OF GEORGE REED, INC. FOR CONSTRUCTION  
OF EAST LA LOMA PARK**

**WHEREAS, Resolution No. 78-1091, adopted by the Council of the  
City of Modesto on October 23, 1978, approved the plans and speci-  
fications for the construction of East LaLoma Park**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of East LaLoma  
Park  
were opened at 2:00 p.m. on November 14, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of George Reed, Inc. in the amount of \$288,071.00  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of George Reed, Inc. in the amount of \$288,071.00  
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 20th day of November,**

1978, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1191**

**A RESOLUTION ACCEPTING THE BID OF MOTOROLA CORPORATION FOR FIRE DEPARTMENT  
RADIO/DISPATCH SYSTEM**

**WHEREAS, Resolution No. 78-1046 , adopted by the Council of the  
City of Modesto on October 9, 1978 , approved the plans and speci-  
fications for the Fire Department radio/dispatch system**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the Fire Department radio/dispatch  
system**

**were opened at 2:10 p.m. on November 14, 1978, and later tabulated  
by the Fire Chief for the consideration of the  
Council, and**

**WHEREAS, the Fire Chief has recommended that  
the bid of Motorola Corporation, in the amount of \$106,532.32**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of Motorola Corporation, in the amount of \$106,532.32**

**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 November,**

19 78, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1192

A RESOLUTION ANNULING AWARD OF CONTRACT TO WESTERN PIPELINE COMPANY, INC. FOR CONSTRUCTION OF SUBTRUNK SEWER IN BLUE BIRD DRIVE

WHEREAS, Resolution No. 78-985 adopted by the Council of the City of Modesto on September 18, 1978, approved the plans and specifications for construction of subtrunk sewer in Blue Bird Drive, and authorized the calling for bids, and

WHEREAS, the bids received for the construction of subtrunk sewer in Blue Bird Drive, were opened at 11:10 a.m. on October 3, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the low bid of \$11,825.00 was submitted by Western Pipeline Company, and

WHEREAS, Resolution No. 78-1098 adopted by the Council of the City of Modesto on October 3, 1978, awarded the bid to Western Pipeline Company, and

WHEREAS, on November 16, 1978, Western Pipeline Company, Inc. submitted a check for \$1,100.50 to the City of Modesto forfeiture of the proposal guaranty for not executing the contract for installation of the subtrunk sewer in Blue Bird Drive.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Pipeline Company, Inc. for the installation of the subtrunk sewer in Blue Bird Drive, opened in the office of the City Clerk on October 3, 1978, at 11:10 a.m. is hereby annulled.

The foregoing resolution was introduced at a regular meeting

of the Council of the City of Modesto held on the 20th day of November, 1978, by Councilmember Siefkin , 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1193**

**A RESOLUTION ACCEPTING THE BID OF RACO, INC. FOR CONSTRUCTION OF SUBTRUNK  
SEWER IN BLUE BIRD DRIVE**

**WHEREAS, Resolution No. 78-985 , adopted by the Council of the  
City of Modesto on September 12, 1978 , approved the plans and speci-  
fications for the construction of subtrunk sewer in Blue Bird Drive**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of subtrunk  
sewer in Blue Bird Drive  
were opened at 11:10 a.m. on October 3, 1978, and later tabulated  
by the Director of Public Works for the consideration of the  
Council, and**

**WHEREAS, the Director of Public Works has recommended that  
the bid of RACO, Inc. in the amount of \$29,457.25**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of RACO, Inc. in the amount of \$29,457.25**

**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 November,**

19 78, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1194

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE FILING OF A NOTICE OF APPROVAL OF THE CONSTRUCTION OF A FOUR LEVEL PARKING STRUCTURE ON THE SOUTHWEST SIDE OF 11th STREET, BETWEEN I AND J STREETS IN THE CITY OF MODESTO.

WHEREAS, on November 20, 1978, the City Council adopted Resolution No. 78-1195 approving an agreement between the City of Modesto and Conrad Building Systems, Inc., a California corporation, relating to the construction of a four level parking structure approximately 130 feet by 200 feet on the southwest side of 11th Street, between I and J Streets, in the City of Modesto, and

WHEREAS, the City of Modesto Environmental Assessment Committee completed an environmental assessment of said project on May 17, 1978, which resulted in a negative declaration as to the environmental impact of said project, and

WHEREAS, the City Council certifies that at said Council meeting on November 20, 1978, it reviewed and considered said 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 Approval in regard to the environmental impact of said project for the construction of a four level parking structure of approximately 130 feet by 200 feet on the southwest side of 11th Street, between I and J Streets, 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 20th day of November, 1978, by Councilmember Mensinger, who moved its adoption, which motion being duly seconded by Councilmember

Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: Kulljian

ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1195

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND CONRAD AND ASSOCIATES FOR ARCHITECT/ENGINEERING WORK FOR 11TH STREET GARAGE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Conrad and Associates for architect/engineering work for the 11th Street Garage

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated 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 November, 19 78, by Councilmember Mensing, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: Kullijian

ABSENT: Councilmembers: Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1196

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MR. ALVIE STEPHENS TO HARVEST THE PECANS FROM CITY-OWNED TREES IN A PORTION OF TUOLUMNE RIVER REGIONAL PARK**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Mr. Alvie Stephens

for harvesting the pecans from City-owned trees in a portion of Tuolumne River Regional Park, located north of Legion Park Drive, west of Conejo Avenue, and east of Santa Cruz 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 20th day of November, 1978, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1197

A RESOLUTION ESTABLISHING RULES AND REGULATIONS FOR THE USE OF DEL WEBB FIELD, ESTABLISHING CONDITIONS FOR THE ISSUANCE OF PERMITS FOR THE USE THEREOF, AND RESCINDING RESOLUTION NO. 67-711.

WHEREAS, from time to time, the City receives requests for permission to use 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 Municipal Code authorizes the Council by resolution to control and regulate the use of Del Webb Field,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. GRANTING OF PERMITS. The Director of Parks and Recreation is hereby authorized to grant permits to persons and organizations which submit requests for use of said Del Webb Field in writing to the Director of Parks and Recreation. 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 Director of Parks and Recreation 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 Del Webb Field shall be required to pay the following fees, based on actual attendance at each activity or

event carried on or held in Del Webb Field:

0 - 500 attendance	\$ 50.00
501 - 750 attendance	\$ 75.00
751 - 1,000 attendance	\$ 100.00
1,001 - 2,000 attendance	\$ 150.00
2,001 - and above	\$ 200.00

Said fees shall be paid to the Director of Finance.

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 Del Webb Field by the persons and organizations which request permits under the provisions of this resolution, advance deposits shall be paid to the Director of Finance for the use of said Del Webb Field. The amount of these advance deposits shall be determined in each case by the Director of Finance based upon prior use of the field by such persons and organizations and shall be paid to the Director of Finance prior to the time the permit is granted for such use.

SECTION 4. RULES AND REGULATIONS. The granting of permits for the use of Del Webb 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 in writing to indemnify 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 agrees in writing, at user's own cost and expense to defend any and all law suits arising out of or in any way connected with the exercise of said permit.

(e) User shall acquire and maintain during the life of the permit Public Liability Insurance policy(s) to cover the liability assumed by user pursuant to the indemnity agreement required by subparagraph (c) above. The amount of such insurance shall be as follows:

Bodily Injury Liability Insurance in an amount not less than One Hundred Thousand and no/100ths (\$100,000.00) Dollars per person per occurrence, and not less than Three Hundred Thousand and no/100ths (\$300,000.00) Dollars in the aggregate per occurrence; and Property Damage Insurance in an amount not less than Fifty Thousand and no/100ths (\$50,000.00) Dollars per occurrence; or in

lieu thereof, the user shall purchase and maintain a Bodily Injury and Property Damage Public Liability policy(s) with combined single limits of liability of Three Hundred Fifty Thousand and no/100ths (\$350,000.00) Dollars per occurrence.

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 Director of Parks and Recreation with a certificate(s) of insurance as evidence of the required insurance, and fully covering the period of the permit.

(f) A key deposit of \$2.50 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.

(g) 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 Del Webb Field for the use of the lights, and shall pay for the use of the lights before a permit will be issued.

(h) 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.

(i) No user shall carry on any activity which will be injurious to the facility.

(j) 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 Director of Parks and Recreation.

(k) 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 Director of Parks and Recreation prior to the use of the facility, and the facility shall be restored to its original status immediately after the activity has ended.

(l) Arrangements for concession facilities must be made with the professional baseball team that uses Del Webb Field.

(m) 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.

(n) 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.

(o) User shall also comply with the rules and regulations governing the use of Del Webb Field as set forth in Section 12-3.02 of the Modesto Municipal Code.

SECTION 5. FURNISHING PERMITS. The Director of Parks and Recreation 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. REPEALS. Resolution No. 67-711 adopted by the Council on August 21, 1967, is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1978, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1198

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
CROCKER BANK

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Crocker Bank  
for leverage loan arrangement under the Housing Maintenance Program  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 20th day of  
November, 19 78, by Councilmember Siefkin,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1199

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
SELF-HELP ENTERPRISES TO PROVIDE SERVICES TO LOWER INCOME OWNER-  
OCCUPANTS UNDER OUR HOUSING MAINTENANCE PROGRAM**

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Self-Help  
Enterprises  
for providing services to lower income owner-occupants under our  
Housing Maintenance Program  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 20th day of  
November, 1978, by Councilmember Siefkin,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 73-1200

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
HORN CONSTRUCTION FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS**

BE IT HERELY RESOLVED by the Council of the City of Modesto  
that the agreement between the City of Modesto and Horn Construction  
for sewer service to property outside City limits on River Road,  
east of Herndon  
be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
November, 1976, by Councilmember Siefkin,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NAYS: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1201


A RESOLUTION APPROVING THE REQUEST OF RABURN'S DELIVERY SERVICE FOR REFUND OF OVERPAYMENT OF THEIR BUSINESS LICENSE TAX

BE IT RESOLVED by the Council of the City of Modesto that the request of Raburn's Delivery Service for a refund of \$557.93 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 20th day of November, 1978, by Councilmember Siefkin , 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: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST:

  
\_\_\_\_\_  
NORRINE COYNE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1202

A RESOLUTION OF APPLICATION BY THE COUNCIL OF THE CITY OF MODESTO TO ANNEX CERTAIN TERRITORY, HEREINAFTER DESCRIBED AND DESIGNATED AS THE STANDIFORD NO. 2 ANNEXATION TO THE CITY OF MODESTO; AND AUTHORIZING AND DIRECTING THE CITY CLERK TO SUBMIT SUCH PROPOSAL TO THE LOCAL AGENCY FORMATION COMMISSION OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA.

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. That the Council of the City of Modesto, for the reasons hereinafter set forth, hereby proposes proceedings to annex to the City of Modesto all of the territory hereinafter described, in accordance and in compliance with the provisions of the Municipal Organization Act, Part 2 of Division 2 of Title 4 of the Government Code of the State of California.

SECTION 2. That the Council's reasons for proposing said annexation proceedings are as follows: That the annexation of the hereinafter described territory will contribute to the orderly growth of the City and provide proper land use in conformity with the General Plan and the zoning regulations of the City of Modesto.

SECTION 3. That the territory which the Council proposes to annex is hereby identified as the Standiford No. 2 Annexation to the City of Modesto as shown on the map attached hereto as Exhibit "A", and said territory consists of all that real property situate in the County of Stanislaus, State of California, more particularly described as follows:

STANDIFORD NO. 2 ANNEXATION

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a Northwestern corner of the STANDIFORD-TULLY NO. 1 ADDITION (309), as per description filed August 28, 1973, as Instrument 8127, Stanislaus County Records, said point being on the Northern line of Hetch Hetchy right-of-way;

1. thence continuing along the existing City Limits and a Western line of said ADDITION (309), South  $00^{\circ} 24' 59''$  East, 895.59 feet;
2. thence continuing along the existing City Limits and a Northern line of said ADDITION (309), South  $88^{\circ} 45' 45''$  West, 596.78 feet;
3. thence continuing along the existing City Limits and a Western line of said ADDITION (309), South  $01^{\circ} 12' 20''$  East, 483.56 feet, to the Southern line of 40.00 foot Standiford Avenue;
4. thence continuing along the existing City Limits and a Northern line of the FRANCEK ADDITION (150), as per description filed February 8, 1963, as Instrument 5121, Stanislaus County Records, North  $89^{\circ} 28' 00''$  West, 218.10 feet to the Northwestern corner of said ADDITION (150);
5. thence continuing along the existing City Limits and an Eastern line of the STANDIFORD-CARVER NO. 1 ADDITION (320), as per description filed September 12, 1974, as Instrument 10197, Stanislaus County Records, North  $01^{\circ} 12' 20''$  West, 1338.46 feet;
6. thence continuing along the existing City Limits and a Southern line of said ADDITION (320), South  $89^{\circ} 24' 23''$  East, 584.28 feet, to the Southwestern corner of the NORTH TULLY NO. 1 ADDITION (322), as per description filed November 14, 1974, as Instrument 19015, Stanislaus County Records;
7. thence continuing along the existing City Limits and the Southern line of said ADDITION (322), South  $89^{\circ} 24' 23''$  East, 86.46 feet;
8. thence continuing along the existing City Limits and the Southern line of said ADDITION (322), North  $69^{\circ} 19' 52''$  East, 166.19 feet, to the point of beginning, containing 18.495 Acres, more or less.

SECTION 4. That the Council hereby makes application for and requests that proceedings be taken for annexation of the hereinabove described territory to the City of Modesto.

SECTION 5. That the attached "PLAN FOR PROVIDING SERVICES - STANDIFORD NO. 2 ANNEXATION" marked Exhibit "B" is hereby submitted as the plan of the City of Modesto for providing services within the above described territory.

SECTION 6. That the City Clerk of the City of Modesto is hereby authorized and directed to submit to the Local Agency Formation Commission of the County of Stanislaus, State of California, on behalf of the Council of the City of Modesto, this Resolution of Application to annex to the City of Modesto the aforesaid territory in accordance with the provisions of Part 2 of Division 2 of Title 4 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1978, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:  
By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
By *Bob Campbell*  
Public Works Department

Upon completion of annexation to the City of Modesto, the following services will be made available or extended to properties in the annexation area in the manner indicated:

1. FIRE PROTECTION: Upon annexation, the property will be withdrawn from the Salida Fire Protection District and fire protection will be provided by the Modesto Fire Department. Primary fire response would come from Fire Station No. 4 at Carpenter Road and Blue Gum Avenue and later from Fire Station No. 6 at Standiford and Hahn Drive upon its completion. This service would be extended upon the effective date of annexation.
2. POLICE PROTECTION: Modesto City Police would assume responsibility for police protection upon the effective date of the annexation.
3. GARDEN REFUSE PICKUP: Weekly garden refuse pickup would be extended to the area upon the effective date of the annexation. There is no separate charge for this service.
4. SANITARY SEWER SERVICE: The annexation area is a developed mobile home park which uses septic systems for waste disposal. The property owner will be required to connect to the City sanitary sewer system within two years after annexation. The City Public Works Department estimates that by the time the annexation is complete a sewer lateral will have been installed in Standiford Avenue to serve the annexed area.
5. WATER: The annexation area is currently being served with water from private wells located within the annexation area. The property owner will be allowed to continue using these wells after annexation.
6. GARBAGE COLLECTION: Garbage is currently collected from the annexation area by the Bertolotti Disposal Service. This company would continue the collection service after annexation but at a slightly lower rate under the City franchise. The exact reduction would depend upon the level of service desired, (one-can pickup or two-can pickup)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1203

A RESOLUTION ACCEPTING IMPROVEMENTS IN GRANDVIEW ACRES SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Ernest R. Threet,  
subdividers of Grandview Acres Subdivision , have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$136,600 and \$68,300 respectively to guarantee improvements  
in Grandview Acres Subdivision ; and

WHEREAS, the Director of Public Works in a memorandum dated  
November 9, 1978 , 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 Grandview Acres Subdivision are  
hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
Bond for faithful performance in the amount of \$136,600.00 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
Bond for labor and materials in the amount of \$68,300.00 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1978 by Councilmember Siefkin , 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST:   
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1204

A RESOLUTION ACCEPTING IMPROVEMENTS IN PRESCOTT HOMES SUBDIVISION  
AND AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Danjim, a partnership,  
subdividers of Prescott Homes Subdivision , have filed subdivi-  
sion Bonds for faithful performance and labor and materials in the  
amount of \$182,700 and \$91,350 respectively to guarantee improvements  
in Prescott Homes Subdivision ; and

WHEREAS, the Director of Public Works in a memorandum dated  
November 9, 1978, 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 Prescott Homes Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision Bond for faithful performance in the amount of \$182,700 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision Bond for labor and materials in the amount of \$91,350 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1978, by Councilmember Siefkin , 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Dunlap

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1205

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$7,661 FROM THE GENERAL RESERVE FOR REMOVAL OF POWER POLES AND ELECTRICAL TRANSMISSION LINES IN CONJUNCTION WITH THE CLEAR ZONE PROJECT AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Reserve (060-800-230)	\$7,661
TO:	Clear Zone-Acquire (6433-06-460-230)	\$7,661

Work has been completed by the MID in removing poles and electrical transmission lines. The original cost estimate prepared by the MID has been exceeded. The net cost to the City will be \$303.03.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 19 78, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Councilmember Leng, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Leng, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1206

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,350 FROM THE GENERAL RESERVE OF THE GENERAL FUND FOR RENTAL OF BARRICADES ON CERTAIN STREETS ADJOINING McHENRY AVENUE

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Fund	\$1,350
TO:	Police-Rental of Equipment	\$1,350

Funds are needed to rent barricades for certain streets adjoining McHenry Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1978, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Dunlap

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1207**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER THE TRANSFER OF THE BUS BENCH FRANCHISE FROM THE TRANSADTISE COMPANY TO FRANK IMBURG**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that December 4, 1978, 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 transfer of the bus bench franchise from the Transadtise Company to Frank Imburg.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1208**

**A RESOLUTION ACCEPTING THE BID OF C & C TRAILER AND BODY COMPANY  
FOR FURNISHING TWO GARDEN REFUSE COLLECTION TRUCKS**

**WHEREAS, Resolution No. 78-1044 , adopted by the Council of the  
City of Modesto on October 9, 1978 , approved the plans and speci-  
fications for the purchase of two garden refuse collection trucks**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the purchase of two garden refuse  
collection trucks  
were opened at 2:00 p.m. on October 31, 1978, 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 C & C Trailer and Body Company in the amount of \$118,482.56  
be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the bid of C & C Trailer and Body Co. in the amount of \$118,482.56  
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 November,**

19 78, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1209

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO SECTION MAP 10-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO REZONING CERTAIN PROPERTY LOCATED THEREON, (STONE BROS. AND ASSOCIATES)

WHEREAS, on November 27, 1978, the City Council adopted Ordinance No. 1787 -C. S. giving approval to a project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration, in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Director of Planning and Community Development of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Section Map 10-3-9 of the Zoning Map of the City of Modesto to rezone certain property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1973, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1210

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR  
PLANNED-DEVELOPMENT ZONE, P-D (206).

WHEREAS, a verified application for an amendment to Section  
10-3-9 of the Zoning Map was filed by Stone Bros. and  
Associates on August 23, 1978, to  
reclassify from Low Density Residential Zone, R-1,  
to Planned-Development Zone, P-D, the following described property:

All that portion of Section 10, Township 3 South, Range 9 East, Mount  
Diablo Base and Meridian, described as follows:

Lots 7 through 10 and 13 through 17 in Block 12587 of Sylvan Meadows  
East No. 4, as per map thereof filed January 25, 1977, in Book 26 of  
Maps, page 50, Stanislaus County Records.

Including the southerly 30 feet of Mable Avenue, the easterly 50 feet  
of Coffee Road and the northerly one-half of Fernview Drive, all being  
immediately adjacent to the above described lots as shown on the map of  
said Sylvan Meadows East No. 4.

WHEREAS, after public hearing held on October 17, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The subject property has frontage on Coffee Road, a major street.
2. The property is an integral part of a subdivision and the proposed P-D zone provides a residential transition between the major street and single-family development to the east.
3. The net dwelling unit density, together with the proposed R-2 zoning to the south conforms to the density patterns of the Modesto Urban Area General Plan.

WHEREAS, after a public hearing held on November 27, 1978, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Stone Bros. and Associates for a Planned-Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above, and

WHEREAS, the Council has introduced Ordinance No. 1788 -C.S. on the 27th day of November, 1978, reclassifying the above-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D (206).

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 (206), is hereby approved in accordance with the plan titled "A Proposed Multi-Family P-D for Stone Bros. and Associates" \_\_\_\_\_, as amended in red on its face, stamped approved by the Planning Commission on October 17, 1978, and on file in the office of the Director of Planning and Community Development, subject to the following conditions:

1. That all development shall be in accordance with the plan referred to above.
2. That prior to the issuance of a building permit, a landscaping and irrigation plan shall be submitted by the applicant and approved by the Director of Parks and Recreation. Landscaping and the irrigation system shall be installed and maintained in accordance with said plans. Irrigation shall be by underground sprinkler system.
3. That all landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
4. That all trash shall be maintained within buildings or in fully enclosed trash areas in locations approved by the Director of Planning and Community Development. If trash enclosures are used, they shall be constructed of the same building materials used in the major buildings or of decorative masonry as determined by the Director of Planning and Community Development.
5. All utilities shall be underground including TV reception facilities. No antennas shall be permitted.
6. That prior to occupancy of the premises the applicant shall construct a solid six-foot high fence with decorative masonry pilasters 16 feet on centers along the east and portion of the south property line(s).
7. That all signs shall comply with the sign requirements of the R-2 Zone.
8. That all parking and driveway areas shall be improved in accordance with City standards including the provisions of Sections 10-2.1801, 10-2.1804, 10-2.1808 and 10-2.1810 of the Municipal Code. All drainage facilities shall be provided in accordance with the requirements of the Director of Public Works.

9. That the development shall be connected to public water and sewer facilities in accordance with the requirements of the Director of Public Works.
10. That all outdoor lighting shall be shielded from adjacent residential properties in accordance with the requirements of the City Engineer.
11. That the required public street improvements shall be constructed prior to the occupancy of any structures on the premises, or by not later than July 1, 1982, whichever time occurs first.
12. That upon demand by the City, the developer shall dedicate additional right-of-way to complete Coffee Road and Mable Avenue to a major and collector street standard, respectively, in accordance with the requirements of the Director of Public Works.
13. That the developer shall improve Coffee Road and Mable Avenue to major street and collector street standards, respectively, in accordance with the requirements of the Director of Public Works prior to occupancy or upon demand by the City of Modesto, whichever occurs first.
14. That prior to the issuance of a building permit, the applicant shall obtain Planning Commission approval of and shall refile for recordation an amended map of Sylvan Meadows East No. 4 Subdivision and/or execute any other requirements necessary as determined by the City Attorney to delete the requirement for the 6-foot masonry wall along the Coffee Road frontage and to allow pedestrian access across this west property line. Vehicular access onto Coffee Road shall remain prohibited.
15. That there shall be no second story windows facing the east exposure on all buildings on the east side of the project except that one frosted or translucent glass (inoperable) window may be maintained to allow light.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned-Development Zone, P-D (206) :

That the entire construction program be accomplished in one phase with construction to commence on or before July 1, 1981; completion to be not later than July 1, 1982.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above-mentioned development plan shall be made in accordance with the provisions of Section 10-2.2708 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 27 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 (206) 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 November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Davies

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO DESCRIPTION:

By William D. Smith  
Department of Planning and  
Community Development

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1211

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL  
ASSESSMENT AND DIRECTING THE DIRECTOR OF PLANNING  
AND COMMUNITY DEVELOPMENT TO FILE A NOTICE OF  
DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING  
TO AN AMENDMENT TO SECTION MAP 10-3-9 OF THE  
ZONING MAP OF THE CITY OF MODESTO REZONING  
CERTAIN PROPERTY LOCATED THEREON. (STONE BROS.  
AND ASSOCIATES)

WHEREAS, on November 27, 1978, the City Council  
adopted Ordinance No. 1788 - C. S. giving approval to a project  
relating to an amendment to Section 10-3-9 of the Zoning Map of the City of  
Modesto to rezone certain property from Low Density Residential Zone, R-1, to  
Planned Development Zone, P-D(206)  
\_\_\_\_\_, and

WHEREAS, the City Council certifies that at said Council meeting  
it reviewed and considered the findings of the City of Modesto Environ-  
mental Assessment Committee which resulted in a negative declaration,  
in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that the Director of Planning and Community Development of the  
City of Modesto is hereby directed to file or cause to be filed with the  
Stanislaus County Clerk a Notice of Determination in regard to the  
environmental impact of the subject project relating to an amendment to  
Section 10-3-9 of the Zoning Map of the City of Modesto to rezone certain property  
from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(206)  
\_\_\_\_\_  
\_\_\_\_\_.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Elliott, Kullijien, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1212

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
ROGER L. AND MARY A. GISH FOR THE LEASE OF 2+ ACRES OF ALMOND TREES AND  
2+ ACRES BARE LAND (AQUEDUCT PARK SITE)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that the agreement between the City of Modesto and Roger L. and  
Mary A. Gish

for the lease of 2+ acres of almond trees and 2+ acres bare land

(Aqueduct Park Site) for a period of two years with lessee paying City  
25% of all crops and pay all taxes and utilities  
be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement  
by the designated 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

November, 1978, by Councilmember Siefkin,

who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolu-

tion adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Acting Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1213

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND JOSEPH DeANNA FOR THE LEASE OF THE FORMER SOMMERFIELD ALMOND ORCHARD (2.4<sub>+</sub> ACRES - PART OF FUTURE DRY CREEK PARK AREA)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Joseph DeAnna

for the lease of the former Sommerfield almond orchard (2.4<sub>+</sub> acres - part of future Dry Creek Park 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 27th day of November, 19 78, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1214

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DON L. THIEL FOR A MONTH-TO-MONTH TENANCY IN A PORTION OF THE OLD POLICE BUILDING LOT ON TENTH STREET**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Don L. Thiel

**for** a month-to-month tenancy in a portion of the old Police Building lot on Tenth Street

**be, and it is hereby approved.**

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 19 78, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1215

A RESOLUTION ACCEPTING IMPROVEMENTS IN LAKEWOOD PARK SUBDIVISION  
AND AUTHORIZING RELEASE OF INSTRUMENTS OF CREDIT

WHEREAS, J.C. Bearden and Dorothy Bearden  
subdividers of Lakewood Park Subdivision, have filed subdivi-  
instruments of credit  
sion / for faithful performance and labor and materials in the  
amount of \$44,300 and \$22,150 respectively to guarantee improvements  
in Lakewood Park Subdivision; and

WHEREAS, the Director of Public Works in a memorandum dated  
November 10, 1978, 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 / instruments of credit  
upon expiration of  
the statutory period.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto:

1. The improvements in Lakewood Park Subdivision are  
hereby accepted.
2. The City Clerk is hereby authorized to release the Subdivision  
instruments of credit  
/ for faithful performance in the amount of \$44,300 upon recorda-  
tion of notice of completion.
3. The City Clerk is hereby authorized to release the Subdivision  
instruments of credit  
/ for labor and materials in the amount of \$22,150 upon expira-  
tion of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1978 by Councilmember Siefkin , 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: Elliott, Kullajian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Davies

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1216

A RESOLUTION OF THE MODESTO CITY COUNCIL OFFERING NO OBJECTION TO A PORTION OF PROPOSED OPEN SPACE CONTRACT APPLICATION NO. 73-1414 (Property located at 3118 North Avenue, Modesto, California - BRUCE AND MABEL LYNCH)

WHEREAS, an Open Space Contract Application has been referred to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has been fully considered, and

WHEREAS, the City staff has recommended that a portion of said Open Space Contract Application not be opposed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does not oppose that portion of Open Space Contract Application No. 73-1414, (located at 3118 North Avenue, Modesto, California - Bruce and Mabel Lynch).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1978, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1217

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING THE EXECUTION OF THAT PORTION OF OPEN SPACE CONTRACT APPLICATION NO. 73-1414 (Property located at 2824 North Avenue, Modesto, California - BRUCE AND MABEL LYNCH).

WHEREAS, an Open Space Contract Application has been referred to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto has been fully considered, and

WHEREAS, the City staff has recommended that the City protest the execution of a portion of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby protest the execution of that portion of Open Space Contract on Application No. 73-1414 (located at 2824 North Avenue, Modesto California - Bruce and Mabel Lynch).

BE IT FURTHER RESOLVED that this protest be filed with the Stanislaus County Board of Supervisors and the Stanislaus County Local Agency Formation Commission and the Local Agency Formation Commission is hereby requested to hold a hearing and consider this protest as provided for in Section 51243.5 of the Government Code of the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1978, by Councilmember Siefkin, 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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1218

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING  
THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION  
NO. 74-1675 (JOE AND DIANE VENTURINI-NE corner of Gomes and Claus Roads-  
4205 Gomes Rd., Modesto)

WHEREAS, an Open Space Contract Application has been referred  
to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto  
has been fully considered, and

WHEREAS, the City staff has recommended that the City protest  
the execution of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that it does hereby protest the execution of an Open Space  
Contract on Application No. 74-1675 (Joe and Diane Venturini-NE corner )  
(of Gomes and Clause Roads-4205 Gomes Road)

BE IT FURTHER RESOLVED that this protest be filed with the  
Stanislaus County Board of Supervisors and the Stanislaus County Local  
Agency Formation Commission and the Local Agency Formation Commission  
is hereby requested to hold a hearing and consider this protest as  
provided for in Section 51243.5 of the Government Code of the State of  
California.

The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 27th day of  
November, 1978, by Councilmember Siefkin,  
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: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1219

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING  
THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION  
NO. 74-1675 (JOE AND DIANE VENTURINI-east side of Claus Road, 1/4 mile  
north of Yosemite Boulevard)

WHEREAS, an Open Space Contract Application has been referred  
to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto  
has been fully considered, and

WHEREAS, the City staff has recommended that the City protest  
the execution of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that it does hereby protest the execution of an Open Space  
Contract on Application No. 74-1675 (Joe and Diane Venturini-east side of Claus Road  
1/4 mile north of Yosemite Boulevard)

BE IT FURTHER RESOLVED that this protest be filed with the  
Stanislaus County Board of Supervisors and the Stanislaus County Local  
Agency Formation Commission and the Local Agency Formation Commission  
is hereby requested to hold a hearing and consider this protest as  
provided for in Section 51243.5 of the Government Code of the State of  
California.

The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 27th day of  
November, 1978, by Councilmember Siefkin,  
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: Elliott, Kullijian, Lang, Mensinger, Siefkin, Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1220

A RESOLUTION EXPRESSING APPRECIATION TO THE MODESTO ROTARY CLUB  
FOR DONATION OF \$5,000 FOR RESTORATION OF THE MCHENRY MANSION

WHEREAS, the Modesto Rotary Club is a community organization  
dedicated to the betterment of the City of Modesto and has completed  
many worthwhile projects of civic benefit for many years; and

WHEREAS, the organization has offered a gift of \$5,000 to the  
City of Modesto for use in the restoration of the McHenry Mansion; and

WHEREAS, the donation is an outstanding example of sincere  
interest in the preservation of our heritage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that it hereby accepts the \$5,000 donated by the Modesto  
Rotary Club for the restoration of the McHenry Mansion.

BE IT FURTHER RESOLVED that the Council, on behalf of the  
residents of the City, hereby expresses its appreciation and thanks  
to the Modesto Rotary Club for its continuing endeavor in the better-  
ment of the City.

The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 27th day of November,  
1978, by Councilmember Lang, who moved its adoption, which motion  
being duly seconded by Councilmember Elliott, was upon roll call  
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin,  
Acting Mayor Dunlap

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Davies

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 1221

A RESOLUTION AMENDING MODESTO CITY COUNCIL RESOLUTION NO. 78-324 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D(181)." (AMERICAN DEVELOPMENT CORPORATION)

WHEREAS, on April 3, 1978, the City Council approved an amendment to Section 12-3-8 of the Zoning Map creating Planned Development Zone, P-D(181), and

WHEREAS, the Development Plan for P-D(181) which permits an addition to the senior citizen housing inventory through the construction of a one-story, 75-dwelling unit elderly housing project on the south side of Standiford Avenue between Conant Avenue and Hahn Drive in the City of Modesto, was approved by the City Council on April 3, 1978, by Resolution No. 78-324, and

WHEREAS, a request has been made to the City Council by Jorgensen-Tolladay Engineers, on behalf of American Development Corporation, the developer of P-D(181), to amend Condition No. 3 of said Resolution No. 78-324 and to add Condition No. 12 thereto to allow a building permit to be issued for P-D(181) prior to the filing of a final subdivision map, with the installation of public improvements to be guaranteed by the filing of a bond or other security, and

WHEREAS, said request has been considered by the Director of Planning and Community Development who recommends granting said request, and

WHEREAS, the Council considered said request by Jorgensen-Tolladay Engineers, on behalf of American Development Corporation, at its meeting held on December 4, 1978, in the City Council Chambers, City Hall, 801 - 11th Street, Modesto, California, and it finds and determines the request to amend Condition No. 3 of said Resolution No. 78-326 and to add Condition No. 12 thereto, should be granted,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds and determines that amendment of the conditions of Planned Development Zone, P-D(181) as requested by Jorgensen-Tolladay Engineers,

on behalf of American Development Corporation, and as recommended by the Director of Planning and Community Development, is required by public necessity, convenience and the general welfare.

BE IT FURTHER RESOLVED that Section 1 of Resolution No. 78-324 is hereby amended to amend Condition No. 3 thereof and to add Condition No. 12 thereto to read as follows:

- 3. That prior to occupancy of the Planned Development Zone, P-D(181), or May 1, 1980, whichever occurs first, the applicant shall record a subdivision map to create a separate parcel for the subject development and the adjoining parcels in accordance with the provisions of the Municipal Code.
- 12. That prior to the issuance of a building permit for any development, if the subdivision map required by Condition No. 3 above has not been recorded, a cash deposit, savings and loan certificate, surety bond or other instrument of credit in an amount to be determined by the City Engineer shall be filed with the City Clerk to guarantee installation of all public improvements required in the tentatively approved Vinewood Subdivision prior to occupancy or May 1, 1980, whichever occurs first.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that all of the other provisions of Modesto City Council Resolution No. 78-324 approved by the City Council on April 3, 1978, shall remain in full force and effect.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
 NOES: Councilmembers: None  
 ABSENT: Councilmembers: Elliott

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1222

A RESOLUTION REJECTING APPLICATION FOR LEASE TO PRESENT LATE CLAIM ON BEHALF OF CLAIMANT, BONNIE JACK HEFFINGTON, RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY OF MODESTO

WHEREAS, an application for leave to present late claim on behalf of claimant, Bonnie Jack Heffington, against the City of Modesto was received on November 27, 1978, 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, Bonnie Jack Heffington, against the City of Modesto, received on November 27, 1978, in the office of Norrine Coyle, 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 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NCES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1223

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF STORM FLOW BYPASS AT THE CITY OF MODESTO WATER QUALITY CONTROL PLANT**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for the construction of storm flow bypass at the City of Modesto Water Quality Control Plant copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on December 19, 1978 at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Elliott

ATTEST:

  
NORRINE COYNE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1224**

**A RESOLUTION ACCEPTING THE BID OF LEE WHITE PAVING COMPANY FOR THE CONSTRUCTION OF CITY STREETS, STANDIFORD AVENUE FROM WEST OF CARVER ROAD TO TULLY ROAD - F.A.U. PROJECT NO. F201(1)**

**WHEREAS, Resolution No. 78-1090 , adopted by the Council of the City of Modesto on October 23, 1978 , approved the plans and specifications for the construction of City streets - Standiford Ave. from west of Carver Rd. to Tully Rd. - F.A.U. Project No. F201(1) and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of Standiford Avenue from west of Carver Rd. to Tully Rd. - F.A.U. Project No. F201(1) were opened at 11:00 a.m. on November 14, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Lee White Paving Company in the amount of \$330,408.55 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lee White Paving Co. in the amount of \$330,408.55 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 4th day of December,**

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1225**

**A RESOLUTION ACCEPTING THE BID OF MAC'S BACKHOE SERVICE FOR CONSTRUCTION OF WATERLINE EXTENSIONS IN CONANT AVENUE AND STANDIFORD AVENUE**

**WHEREAS, Resolution No. 78-1166 , adopted by the Council of the City of Modesto on November 13, 1978 , approved the plans and specifications for the construction of waterline extensions in Conant and Standiford Avenues**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of waterline extensions in Conant and Standiford Avenues were opened at 11:05 a.m. on November 28, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Mac's Backhoe Service in the amount of \$31,413.85**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Mac's Backhoe Service in the amount of \$31,413.85**

**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 December,**

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1226**

**A RESOLUTION ACCEPTING THE BID OF LEE WHITE PAVING FOR CONSTRUCTION OF LAKEWOOD AVENUE SEWER TRUNK TRENCH REPAIR**

**WHEREAS, Resolution No. 78-1116 , adopted by the Council of the City of Modesto on November 6, 1978 , approved the plans and specifications for the construction of Lakewood Avenue sewer trunk trench repair**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the construction of Lakewood Avenue sewer trunk trench repair were opened at 11:00 a.m. on November 28, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and**

**WHEREAS, the Director of Public Works has recommended that the bid of Lee White Paving Company in the amount of \$10,965.00**

**be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Lee White Paving Company in the amount of \$10,965.00**

**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 4th day of December,**

19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1227

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING CITY MANAGER TO SIGN A PURCHASE AGREEMENT WITH HERSEY PRODUCTS, INC. FOR THE PURCHASE OF ONE EIGHT-INCH COMPOUND WATER METER

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of one eight-inch compound water meter is hereby waived.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign a purchase agreement with Hersey Products, Inc. for the purchase of one eight-inch compound water meter for a total cost of \$4,563.60, including State and local taxes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap , who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1228

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES INCLUDING THE  
ACQUISITION OF RIGHT-OF-WAY FOR THE ORANGEBURG-COLLIER  
TO COFFEE PROJECT (MORGAN).

(Name of Project and Property Owners Name)

WHEREAS, on November 13, 1978, the Council of the City of Modesto  
by Resolution No. 78-1177 set a hearing to consider a resolution of necessity to  
acquire certain real property, hereinafter described, and

WHEREAS, on December 4, 1978, 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 the widening of a portion of Orangeburg Avenue located between Collier  
Avenue and Coffee Road in the City of Modesto, as part of Orangeburg-Collier  
to Coffee Project.

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 pursuant to Sections 37350.5, 37351, 37353 and 40404 of the  
Government Code of the State of California.
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 real property which is hereinafter described consists of  
a parcel approximately 50 feet by 40 feet, located on the south side of Orangeburg  
Avenue, approximately 75 feet west of the centerline of Allen Drive

\_\_\_\_\_ and 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, as are 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 as follows:

All that portion of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Northern 40.00 feet, measured at right angles, of the following described property:

Commencing at the Northeast corner of said Section 21; thence South  $0^{\circ} 41' 30''$  East along the East line of Section 21, 1317.60 feet; thence North  $89^{\circ} 47'$  West along the center line of Orangeburg Avenue 456.66 feet to the true point of beginning of this description; thence continuing North  $89^{\circ} 47'$  West along the center line of Orangeburg Avenue 50.00 feet; thence South  $0^{\circ} 45' 15''$  East 125.00 feet; thence South  $89^{\circ} 47'$  East 50.00 feet; thence North  $0^{\circ} 45' 15''$  West 125.00 feet to the true point of beginning of this description.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ross Campbell*  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1229

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES INCLUDING THE  
ACQUISITION OF RIGHT-OF-WAY FOR THE ORANGEBURG-COLLIER  
TO COFFEE PROJECT (KRUM).

(Name of Project and Property Owners Name)

WHEREAS, on November 13, 1978, the Council of the City of Modesto  
by Resolution No. 78-1177 set a hearing to consider a resolution of necessity to  
acquire certain real property, hereinafter described, and

WHEREAS, on December 4, 1978, 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 the widening of a portion of Orangeburg Avenue located between Collier  
Avenue and Coffee Road in the City of Modesto, as part of the Orangeburg-Collier  
to Coffee Project.

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 pursuant to Sections 37350.5, 37351, 37353 and 40404 of the  
Government Code of the State of California.
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 real property which is hereinafter described consists of  
a parcel approximately 113 feet by 40 feet, located on the south side of Orangeburg  
Avenue, and approximately 20 feet east of the centerline of Fiori Avenue

\_\_\_\_\_ and 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, as are 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 as follows:

All that portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 28 of the MENSINGER COLONY, as per map filed May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records, described as follows:

The North 40.00 feet, measured at right angles, and a triangular parcel bounded on the North by the South line of the North 40.00 feet and bounded on the West by the East line of 40.00 foot Fiori Avenue and bounded on the Southeast by a tangent curve concave to the Southeast, having a Radius of 15.00 feet, all being a part of the property described as follows:

Commencing at the true Northeast corner of said Lot 28, said true Northeast corner being in the center of County Road on the North; thence West along the North line of said Lot a distance of 197 feet to the Northwest corner of tract conveyed to Ben Guidotti and wife by Deed recorded January 26, 1937 as Instrument No. 1121, Stanislaus County Records, and point of commencement of this description; thence South along the West line of said Guidotti property a distance of 221.11 feet to the Southwest corner of said Guidotti property; thence West and parallel with the North line of said Lot 28 a distance of 113.33 feet, more or less, to a point on the East line of County Road, as now located and established along the West line of said Lot 28; thence North along the East line of said County Road a distance of 221.11 feet to a point in the center line of County Road on North of said Lot 28; thence East along the center line of said last mentioned County Road a distance of 113.33 feet, more or less, to the point of commencement.

EXCEPTING THEREFROM the South 90 feet thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyze  
NORRINE COYZE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1230

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES INCLUDING THE  
ACQUISITION OF RIGHT-OF-WAY FOR THE ORANGEBURG-COLLIER  
TO COFFEE PROJECT (BLACK)

(Name of Project and Property Owners Name)

WHEREAS, on November 13, 1978, the Council of the City of Modesto  
by Resolution No. 78-1177 set a hearing to consider a resolution of necessity to  
acquire certain real property, hereinafter described, and

WHEREAS, on December 4, 1978, 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 the widening of a portion of Orangeburg Avenue located between Collier  
Avenue and Coffee Road in the City of Modesto, as part of the Orangeburg-Collier  
to Coffee Project

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 pursuant to Sections 37350.5, 37351, 37353 and 40404 of the  
Government Code of the State of California.
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 real property which is hereinafter described consists of  
a parcel approximately 66 feet by 15 feet, located on the north side of Orangeburg  
Avenue, approximately 260 feet west of the centerline of Nelson Avenue  
\_\_\_\_\_ and 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, as are 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 as follows:

All that portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Northern 15.00 feet, measured at right angles, of the Southern 40.00 feet, of the following described property:

The West half of the South one acre of the West two acres of Lot 11 of the COOLIDGE COLONY, as per Map filed November 15, 1910 in Volume 5 of Maps, Page 17, Stanislaus County Records.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *R. Campbell*  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1231

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES INCLUDING THE  
ACQUISITION OF RIGHT-OF-WAY FOR THE ORANGEBURG-COLLIER  
TO COFFEE PROJECT (SHURTZ)  
(Name of Project and Property Owners Name)

WHEREAS, on November 13, 1978, the Council of the City of Modesto  
by Resolution No. 78-1177 set a hearing to consider a resolution of necessity to  
acquire certain real property, hereinafter described, and

WHEREAS, on December 4, 1978, 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 the widening of a portion of Orangeburg Avenue located between Collier  
Avenue and Coffee Road in the City of Modesto, as part of the Orangeburg-Collier  
to Coffee Project.

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 pursuant to Sections 37350.5, 37351, 37353 and 40404 of the  
Government Code of the State of California.
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 real property which is hereinafter described consists of  
a parcel approximately 145 feet by 40 feet, located on the south side of Orangeburg  
Avenue, and approximately 25 feet east of the centerline of Melrose Avenue

\_\_\_\_\_ and 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, as are 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 as follows:

All that portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 25 of the MENSINGER COLONY, as per map filed May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records, described as follows:

The Northern 40.00 feet, measured at right angles, and a triangular parcel bounded on the North by the South line of the North 40.00 feet and bounded on the West by the East line of 50.00 foot Melrose Avenue, said East line being parallel with and 20.00 feet, measured at right angles, Easterly from the West line of said Lot 25, and bounded on the Southeast by a tangent curve concave to the Southeast, having a Radius of 15.00 feet, all being a part of that property described as follows:

The West one-half of the North one-half of Lot 25 of the MENSINGER COLONY, as per map filed May 18, 1909 in Volume 4 of Maps, Page 25, Stanislaus County Records.

EXCEPTING THEREFROM the West 20.00 feet thereof for road purposes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Karl Campbell  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1232

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES INCLUDING THE  
ACQUISITION OF RIGHT-OF-WAY FOR THE ORANGEBURG-COLLIER  
TO COFFEE PROJECT (CIPPONERI)

(Name of Project and Property Owners Name)

WHEREAS, on November 13, 1978, the Council of the City of Modesto  
by Resolution No. 78-1177 set a hearing to consider a resolution of necessity to  
acquire certain real property, hereinafter described, and

WHEREAS, on December 4, 1978, 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 the widening of a portion of Orangeburg Avenue located between Collier  
Avenue and Coffee Road in the City of Modesto as part of the Orangeburg-Collier to  
Coffee Project

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 pursuant to Sections 37350.5, 37351, 37353 and 40404 of the  
Government Code of the State of California.

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 real property which is hereinafter described consists of  
located on the north side of Orangeburg Avenue, approximately 565 feet west of the center  
line of Nelson Avenue, parcel 1193-1 measuring approximately 15 feet by 133 feet, and  
parcel 1193-2 measuring approximately 15 feet by 92 feet and 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, as are 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 as follows:

All that portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

PARCEL 1193-1

The Northern 15.00 feet, measured at right angles, of the Southern 40.00 feet of the Eastern 133 feet of the South one-half of Lot 9 of the COOLIDGE COLONY, as per map filed November 15, 1910 in Volume 5 of Maps, Page 17, Stanislaus County Records.

PARCEL 1193-2

The Northern 15.00 feet, measured at right angles, of the Southern 40.00 feet of the Western 92 feet of the South one-half of Lot 10 of the COOLIDGE COLONY, as per map filed November 15, 1910 in Volume 5 of Maps, Page 17, Stanislaus County Records.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Kerry Campbell*  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1233

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY  
BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES INCLUDING THE  
ACQUISITION OF RIGHT-OF-WAY FOR THE ORANGEBURG-COLLIER TO  
COFFEE PROJECT (NORTH MODESTO FREE WILL BAPTIST CHURCH) .  
(Name of Project and Property Owners Name)

WHEREAS, on November 13, 1978, the Council of the City of Modesto  
by Resolution No. 78-1177 set a hearing to consider a resolution of necessity to  
acquire certain real property, hereinafter described, and

WHEREAS, on December 4, 1978, 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 the widening of a portion of Orangeburg Avenue located between Collier  
Avenue and Coffee Road in the City of Modesto, as part of the Orangeburg-Collier  
to Coffee Project.

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 pursuant to Sections 37350.5, 37351, 37353 and 40404 of the  
Government Code of the State of California.
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 real property which is hereinafter described consists of  
a parcel approximately 15 feet by 106 feet, located on the north side of Orangeburg  
Avenue, approximately 325 feet west of the centerline of Nelson Avenue

\_\_\_\_\_ and 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, as are 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 as follows:

All that portion of the Northwest quarter of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The Northern 15.00 feet, measured at right angles, of the Southern 40.00 feet of the following described property:

The east one (1) acre of the south half of lot 10 of the COOLIDGE COLONY, according to the map thereof filed November 15, 1910 in Vol. 5 of Maps, at page 17, Stanislaus County Records; said east 1 acre being measured from the center line of road on south of said lot 10.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Bob Campbell*  
Public Works Department

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1234

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
TRANSWORLD FINANCIAL CORPORATION FOR REIMBURSEMENT OF A PORTION OF  
THEIR SEWER COSTS IN HILLSBORO NORTH SUBDIVISION**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that the agreement between the City of Modesto and Transworld  
Financial Corporation  
for reimbursement of a portion of their sewer costs in Hillsboro  
North Subdivision  
be, and it is hereby approved.

**BE IT FURTHER RESOLVED** that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 4th day of  
December, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1235

A RESOLUTION APPROVING THE FINAL MAP OF THE  
MARTIN MANOR NO. 1  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Rule Development, a corporation,

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is (~~was~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 9.944 acres, known as the  
Martin Manor No. 1 Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 21st day of  
February, 1978, 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 Martin Manor No. 1  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1236

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND MARY A. ADAMS FOR THE PURCHASE OF HER REAL PROPERTY LOCATED AT 613 SUNSET AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Mary A. Adams for the purchase of her real property located at 613 Sunset Avenue for use as an addition to Del Webb Soccer 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 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Elliott

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1237

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ROGER D. AND BEVERLY R. SMITH FOR THE LEASE OF 0.6<sub>+</sub> ACRES OF LAND BEING HELD FOR FUTURE AQUEDUCT PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Roger D. and Beverly R. Smith for the lease of 0.6<sub>+</sub> acres of land being held for future Aqueduct 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 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78- 1238

A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS  
PROPERTY.

WHEREAS, the City Manager is authorized by Charter Section 801 to sell surplus personal property of the City of Modesto with the approval of the City Council, and

WHEREAS, five hundred (500) parking meters have recently become surplus property as a result of a program to upgrade the parking meter system, and

WHEREAS, the City also has on hand centennial supplies acquired in 1971 which were not sold during the centennial period and which are surplus property and should be sold,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The City Manager is hereby authorized to sell the following items of personal property of the City of Modesto at the prices shown. Said personal property is hereby declared to be surplus:

<u>Quantity</u>	<u>Item</u>	<u>Sale Price Each</u>
500	Parking Meters	
	Meters with coin cups and backs	\$ 15.00
	Meters with coin cups only	12.00
	Meters with backs only	12.00
	Meters only	10.00
	Centennial Supplies	
76	6" ash trays	.70
108	8" ash trays	1.00
81	Moulded ash trays	2.00
72	Lighters	2.00
254	Glasses (set of 4)	2.00
192	Soft bound books	3.50
293	Hard bound books	6.00
103	Small maps	.50
432	Large maps	1.00
32	Trays	10.00

13	Large medallions	\$ 2.50
1	Tie clasp	2.00
1	Tie tack	1.50
1	Cuff links (pr)	3.00
18	Pins	1.50

SECTION 2. All sales shall be conducted by the City Manager or by such person as he may select for this purpose. All items of property not sold as provided for above shall be disposed of in such manner as the City Manager deems to be in the best interest of the City.

SECTION 3. All proceeds from the sale of the centennial items shall be placed in a special account designated for the McHenry Museum.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

(SEAL)

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1239**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING TO CONSIDER  
REVISED SEWER SERVICE CHARGES FOR RESIDENTIAL, COMMERCIAL AND  
INDUSTRIAL CUSTOMERS**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that December 13, 1978, at 4:00 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of revised sewer service  
charges for residential, commercial and industrial customers.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 4th day of  
December, 1978, by Councilmember Dunlap, who  
moved its adoption, which motion being duly seconded by Councilmember  
Kullijian, was upon roll call carried and the resolution  
adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Elliott

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1240

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND PHILLIP HENDLEY TO CONSTRUCT AN AIRCRAFT REFUELING FACILITY AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Phillip Hendley for construction of an aircraft refueling facility 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 4th day of December, 19 78, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Elliott

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1241

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND REUEL C. AND WANDA J. BARNES FOR THE LEASE OF THE FORMER SOMMERFELD PROPERTY BEING HELD FOR FUTURE DRY CREEK PARK**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Reuel C. and Wanda J. Barnes

**for** the lease of the former Sommerfeld property being held for future 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 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Elliott

**ATTEST:**

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1242

A RESOLUTION / TERMINATING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MARK H. MacFADDEN FOR FORMER SUMMERFELD 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 Mark H. MacFadden  
for the lease of the former Summerfeld property in Dry Creek Park  
be, and it is hereby terminated.

BE IT FURTHER RESOLVED that the execution of said termination  
by the designated 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  
December, 1978, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Kullijian, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: Norrine Coybe  
NORRINE COYBE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1243

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND VIRGIL AND JOYCE VAN SCHOONHOVEN FOR LEASE OF THE FORMER CRISMON HOUSE LOCATED ON FUTURE DRY CREEK PARK AREA

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Virgil and Joyce Van Schoonhoven for the lease of the former Crismon house located on future Dry Creek Park 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 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1244

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,954 FROM GENERAL RESERVE TO DRYDEN GOLF COURSE BUDGET, MAINTENANCE AND REPAIR, AUTOMOTIVE EQUIPMENT ACCOUNT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Reserve (60-00 800 101)	\$2,954
TO:	Dryden Golf Course (222 380 101)	\$2,954

It has been necessary to purchase new batteries for the 20 golf carts at Dryden Golf Course during the past calendar year. Each cart takes six batteries, a a cost of \$55 per battery. This has run the maintenance account for golf carts down to nothing. In order to do the necessary maintenance on the golf carts for the remainder of this fiscal year, this appropriation transfer is required.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1215

A RESOLUTION DETERMINING THAT CANDIDATES IN THE MUNICIPAL ELECTION TO BE HELD MARCH 6, 1979, WILL NOT BE REQUIRED TO PAY COSTS IN CONNECTION WITH THE STATEMENTS OF QUALIFICATIONS

WHEREAS, it is desirable for the voters to have as much information as possible regarding candidates running for election; and

WHEREAS, it is desirable to eliminate any fees or other requirements that would make it difficult for some citizens to become candidates for political office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the candidates for election to the Modesto City Council and Modesto City Schools District Board of Education in the March 6, 1979, municipal election will not be required to pay costs in connection with the printing and mailing of the Statements of Qualifications, and that the Statements of Qualifications will be limited to 200 words in length.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Kullijian, Lang, Mensinger,  
Siefkin, Meyer Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Elliott

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1246**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL OF PLANNING COMMISSION DECISION REGARDING REZONING PROPERTY ON THE NORTHWEST CORNER OF OAKDALE ROAD AND LANCEY DRIVE FROM P-0 TO P-D (RULE DEVELOPMENT)**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that January 9, 1979, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal of Planning Commission decision regarding rezoning property on the northwest corner of Oakdale Road and Lancey Drive from P-0 to P-D (Rule Development).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijien, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1247

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL  
FOR BIDS FOR FURNISHING ONE DATA PROCESSING LINE PRINTER**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for furnishing one data processing line printer 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 2, 1979, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Dunlap

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1248

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF THE EXTENSION OF SONOMA TRUNK SEWER**

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for the construction of the extension of Sonoma trunk sewer 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 2, 1979, at 2:10 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1249

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINE EXTENSION ON  
PAMILLA DRIVE AND SEMALLON DRIVE**

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterline extension on Pamilla Drive and Semallon Drive has been completed by Joe Martin

in accordance with the contract agreement dated October 9, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterline extension on Pamilla Drive and Semallon Drive be accepted from said contractor, Joe Martin;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$14,238.20 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 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1250

A RESOLUTION ACCEPTING THE CONSTRUCTION OF OSTERBERG AND STEWART'S CONTRACT FOR DRILLING, CASING, TESTING AND DEVELOPMENT OF ONE WELL FOR THE CITY OF MODESTO - WELL NO. 45 (MANCINI PARK)

WHEREAS, a report has been filed by the Director of Public Works that the construction of Well No. 45 (Mancini Park) has been completed by Osterberg and Stewart

in accordance with the contract agreement dated August 21, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of Well No. 45 (Mancini Park) be accepted from said contractor, Osterberg and Stewart;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$14,238.20 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 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1251

A RESOLUTION WAIVING FORMAL BID PROCEDURE AND AUTHORIZING CITY MANAGER TO SIGN A PURCHASE AGREEMENT WITH EDWARD R. BACON FOR THE PURCHASE OF TWO FRONT-END CLAW LOADERS

BE IT RESOLVED by the Council of the City of Modesto that formal bid procedure for the purchase of two front-end claw loaders is hereby waived.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to sign a purchase agreement with Edward R. Bacon for the purchase of two front-end claw loaders for a total cost of \$64,415.60 including State and local taxes.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin , 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:



NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1252

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (LAUREL AVENUE NO. 2)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on October 23, 1978, duly adopted Resolution No. 78-1106 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 188 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, December 11, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 188 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 188 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 188, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 188, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Kassam*  
Public Works Department

## LAUREL AVENUE NO. 2 ANNEXATION

All that real proerty in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of the LAUREL AVENUE ADDITION (376), as per description filed June 28, 1978, as Instrument 82698, Stanislaus County Records;

1. thence continuing along the existing City Limits along the Western line of said ADDITION (376), South  $01^{\circ} 04' 30''$  West, 484.22 feet, to the South right-of-way line of the Modesto Irrigation District Lateral No. 4;
2. thence leaving the existing City Limits along the South right-of-way line of said Lateral No. 4, North  $73^{\circ} 15' 36''$  West, 146.73 feet;
3. thence continuing along the South right-of-way line of said Lateral No. 4, North  $85^{\circ} 49' 00''$  West, 351.05 feet, to the center line of Emerald Avenue;
4. thence along the center line of Emerald Avenue North  $00^{\circ} 31' 30''$  West, 425.44 feet, to the center line of Laurel Avenue;
- t. thence along the center line of Laurel Avenue, South  $88^{\circ} 57' 30''$  East, 503.69 feet, to the point of beginning, containing 5.064 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on December 11, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Elliott, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: December 11, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1253

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO  
ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER  
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS  
BOUNDARIES. (COFFEE NO. 3 ANNEXATION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on October 23, 1978, duly adopted Resolution No. 78-1107 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 187 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, December 11, 1978, at the hour of 7:30P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the

District except:       David Moss  
                          3101 Coffee Road  
                          Modesto, California

In an oral presentation, he stated he lived in the area adjacent to this annexation and wanted to go on record as being opposed to the annexation of his area until the property owners were willing to annex.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 187 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 187 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 187, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 187, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Dunlap,

who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Public Works Department  
Public Works Department

September 6, 1978

COFFEE NO. 3 ANNEXATION

All that real property in the State of California, County of Stanislaus being a portion of the Southeast quarter of Section 9, Township 3 South Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by a point on the Western line of the SYLVAN SCHOOL NO. 2 ADDITION (300), as per description filed January 19, 1973, as Instrument 29981, Stanislaus County Records, said point being on the center line of 70.00 foot Coffee Road and the East line of Section 9;

1. thence leaving the existing City Limits, North  $89^{\circ} 33' 50''$  West, 298.00 feet, to an Eastern line of the WALNUT ACRES ADDITION (157), as per description filed April 14, 1963, as Instrument 18496, Stanislaus County Records;
2. thence along the existing City Limits along an Eastern line of said ADDITION (157), North  $00^{\circ} 47' 20''$  West, 292.38 feet;
3. thence continuing along the existing City Limits and a Southern line of said ADDITION (157), South  $89^{\circ} 33' 50''$  East, 278.00 feet, to the Western line of Coffee Road;
4. thence leaving the existing City Limits, South  $89^{\circ} 33' 50''$  East, 20.00 feet, to the center line of Coffee Road and the East line of Section 9;
5. thence along the center line of Coffee Road and the Eastern line of Section 9, South  $00^{\circ} 47' 20''$  East, 292.38 feet, to the point of beginning, containing 2.000 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on December 11, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Dunlap, seconded by Councilmember Elliott, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: December 12, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1254

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (SNYDER AVENUE ANNEXATION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on October 23, 1978, duly adopted Resolution No. 78-1108 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 186 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Monday, December 11, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 186 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 186 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 186, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 186, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1970, by Councilmember Dunlap,

who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ros Campbell  
Public Works Department

## SNYDER AVENUE ANNEXATION

All that property in the State of California, County of Stanislaus, being a portion of the North half of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VENEMAN ADDITION (337), as per description filed January 16, 1976, as Instrument 31886, Stanislaus County Records, said point being on the quarter section line of section 12;

1. thence along the existing City Limits and the Northern line of said ADDITION (337), South  $89^{\circ} 36' 20''$  West, 1604.85 feet;
2. thence leaving the existing City Limits, North  $00^{\circ} 00' 00''$ , 85.11 feet, to a point on a curve;
3. thence along a curve concave to the Southeast, having a Central Angle of  $89^{\circ} 36' 20''$ , a Radius of 15.00 feet, and an Arc Length of 23.46 feet;
4. thence North  $00^{\circ} 00' 00''$ , 1555.04 feet, to a point on the center line of 40.00 foot Snyder Avenue;
5. thence along the center line of Snyder Avenue, North  $89^{\circ} 37' 45''$  East, 1719.59 feet;
6. thence South  $00^{\circ} 00' 45''$  East, 530.00 feet;
7. thence South  $03^{\circ} 19' 09''$  West, 101.09 feet;
8. thence South  $08^{\circ} 22' 12''$  West, 100.00 feet;
9. thence South  $13^{\circ} 26' 31''$  West, 100.00 feet;
10. thence South  $18^{\circ} 19' 17''$  West, 180.00 feet;
11. thence South  $10^{\circ} 40' 11''$  West, 160.00 feet;
12. thence South  $00^{\circ} 00' 45''$  East, 500.00 feet, to the point of beginning, containing 62.062 Acres, more or less.

CLERK'S CERTIFICATE

I, Horrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on December 11, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Dunlap, seconded by Councilmember Lang, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

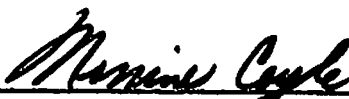
NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED:

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1255

A RESOLUTION ACCEPTING THE CONSTRUCTION OF SITE IMPROVEMENTS AT PUMP STATION NO. 14 ON VIRGINIA AVENUE BY CHAS. I. CUNNINGHAM COMPANY

WHEREAS, a report has been filed by the Director of Public Works that the construction of site improvements at Pump Station No. 14 on Virginia Avenue has been completed by the Chas. I. Cunningham Company

in accordance with the contract agreement dated May 22, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of site improvements at Pump Station No. 14 on Virginia Avenue be accepted from said contractor, Chas. I. Cunningham Company;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$42,000 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk



SECTION 3. CONDUCT OF ELECTION. Said special municipal election hereby called shall be held and conducted, and the votes thereat canvassed and the returns thereof made, and the results thereof ascertained and determined as herein provided, and in all particulars not prescribed in this resolution, said special municipal election shall be held as provided for in the Charter of said City and in all particulars not provided for therein said election shall be held as provided by law for the holding of special municipal elections in the City of Modesto and otherwise in accordance with the Elections Code of the State of California.

(a) All persons qualified to vote at municipal elections in said City of Modesto on the day of said special municipal election herein provided for shall be qualified to vote upon said measure hereby proposed by the Council of the City of Modesto on its own motion and submitted at said special municipal election.

(b) The polls at the polling places hereinafter referred to for said special municipal election shall be opened at 7:00 a.m. of said day of election, and shall be kept open continuously thereafter until 8:00 p.m. of said day of election, when the polls shall be closed (except as provided in Section 14436 of the Elections Code), and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(c) Said special municipal election shall be and is hereby consolidated with the General Municipal Election to be held in the City of Modesto on the date of said special municipal election hereby called, and the election precincts, polling places, voting booths and voting machines shall in every case be the same, and there shall be only one set of election officers in each of said precincts; and the precincts, polling places and officers of election within said city for said special municipal election shall be the same as those

selected or to be selected and designated by the Council of the City of Modesto for said General Municipal Election and set forth or to be set forth in the notice of election officers and polling places for said General Municipal Election published or to be published by the City Clerk of said City, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places and election officers for said special municipal election hereby called. Only qualified voters of said City shall be permitted to vote at said special municipal election hereby called. The City Clerk of the City of Modesto is hereby ordered to and shall canvass, or cause to be canvassed, the returns of said special municipal election at the County Elections Office, Room 300, County Courthouse, 1100 Eye Street, Modesto, California, pursuant to the Elections Code of the State of California, Section 22932.5, and to certify the results to the Council.

(d) On the ballots and voting machines to be used at said General Municipal Election and said special municipal election hereby consolidated therewith, in addition to all other matters required by law to be printed thereon, shall appear the measure set forth in Section 2 hereof.

(e) Where ballots are used, to vote in favor of said measure a voter shall stamp a cross (+) in the blank space opposite the word "YES" on the ballot to the right of said measure, and to vote against said measure a voter shall stamp a cross (+) in the blank space opposite the word "NO" on the ballot to the right of said measure.

Where voting machines are used, said voting machines shall be so arranged that to vote in favor of said measure a voter shall pull down a voting pointer over the word "YES" near said measure appearing on cardboard,

paper or other material placed on the front of the machine, and pull an operating lever, and to vote against said measure a voter shall pull down a voting pointer over the word "NO" near said measure appearing on cardboard, paper or other material placed on the front of the machine, and pull an operating lever.

(f) The votes cast for and against said measure shall be counted separate and apart from all other measures to be submitted at said General Municipal Election and said special municipal election hereby called, and if a majority of the qualified voters voting on said measure vote in favor thereof, said measure shall be deemed approved.

(g) The returns of said special municipal election shall be canvassed and the results thereof certified by the City Clerk and confirmed by the City Council and the results thereof declared at the same times and places and in the same manner as the returns from said General Municipal Election.

SECTION 4. NOTICE. The City Clerk of the City of Modesto is hereby authorized to prepare and sign a notice of the measure to be voted on, in the form required by law, relating to said special municipal election hereby called, and said City Clerk is hereby authorized and directed to publish said notice in the time and manner required by law in THE MODESTO BEE, the official newspaper of said City and a newspaper of general circulation printed and published in said City.

SECTION 5. The City Clerk of the City of Modesto is hereby authorized and directed (1) to cause copies of the text of said measure to be printed in convenient pamphlet form and in type of not less than ten-point and to cause copies thereof to be mailed to each of the qualified electors of said City, and (2) until the day fixed for said special municipal election to advertise

daily in THE MODESTO BEE, a newspaper of general circulation in said CITY, a notice that copies of said pamphlet may be had on application therefor. Said notice shall be in substantially the following form:

NOTICE OF AVAILABILITY OF LOW-RENT HOUSING MEASURE

NOTICE IS HEREBY GIVEN to the qualified electors of the City of Modesto that copies of the low-rent housing measure proposed by the Council on its own motion, in pamphlet form, are on file in the office of the City Clerk, City Hall, 801 11th Street, Modesto, California, and may be had upon application therefor.

\_\_\_\_\_  
NORRINE COYLE  
City Clerk of the City of Modesto

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

CLERK'S CERTIFICATE

I, NORRINE COYLE, City Clerk of the City of Modesto, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted by the Council of said City at a regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on the 11th day of December, 1978, of which meeting all of the members of said Council had due notice and at which a majority thereof was present and acted; that at said meeting said resolution was introduced by Councilmember Lang, ~~and read in full~~, and was ~~thereupon~~, upon motion of Councilmember Lang, seconded by Councilmember Mensing, adopted by the following vote:


AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes. That said Resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

WITNESS my hand and the seal of said City of Modesto, this 12th day of December, 1978.

  
\_\_\_\_\_  
NORRINE COYLE  
City Clerk of the City of Modesto  
California

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1257

A RESOLUTION ADOPTING THE PROVISIONS OF SUBSECTION (a)  
OF SECTION 5014.5 OF THE ELECTIONS CODE OF THE STATE  
OF CALIFORNIA.

WHEREAS, subsection (a) of Section 5014.5 of the Elections Code  
of the State of California provides that if an argument is submitted for or  
against a City measure, a rebuttal argument may be submitted thereto, and

WHEREAS, subsection (b) of said Section 5014.5 of the Elections Code  
of the State of California, provides that the provisions of subsection (a)  
shall only apply if, not later than the day on which the legislative body  
calls an election, the legislative body, by a majority vote, adopts the provisions  
of subsection (a) of Section 5014.5 of the Elections Code, which shall apply  
at the next ensuing election and at each municipal election thereafter, unless  
later repealed by the legislative body, and

WHEREAS, a General Municipal Election will be held on March 6, 1979,  
and

WHEREAS, the City Council adopted Resolution No. 78-1256 on  
December 11, 1978, entitled "A Resolution Declaring A Need For Low-Rent Housing  
And Calling A Special Election By The Voters Of The City Of Modesto", and

WHEREAS, the City Council desires to adopt the provisions of subsection  
(a) of Section 5014.5 of the Elections Code of the State of California, to be  
applicable at the General Municipal Election and Special Election to be held  
on March 6, 1979, and at each municipal election thereafter, unless hereafter  
repealed as provided for in said subsection (b) of Section 5014.5 of said  
Elections Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the provisions of subsection (a) of Section 5014.5 of the Elections Code of the State of California, to be applicable at the General Municipal Election and Special Municipal Election to be held on March 6, 1979, and at each municipal election thereafter, unless hereafter repealed as provided for in subsection (b) of Section 5014.5 of said Elections Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Elliott, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 73-1258

A RESOLUTION TRANSMITTING COPY OF PROPOSED MEASURES CONCERNING LOW COST HOUSING AND AN INITIATIVE ORDINANCE TO THE CITY ATTORNEY FOR IMPARTIAL ANALYSIS

WHEREAS, Section 5010.5 of the Elections Code provides that whenever any city measure qualifies for a place on the ballot, the governing body may direct the City Clerk to transmit a copy of the measure to the City Attorney for preparation of an impartial analysis of the measure; and

WHEREAS, a copy of the Low Cost Housing and Initiative measures proposed for the March 6, 1979 ballot is attached hereto, marked Exhibit "A", and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Clerk is hereby authorized to transmit a copy of the measures to the City Attorney for preparation of an impartial analysis showing the effect of the measures on the existing law and the operation of the measures.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to handle the printing and distribution of the impartial analysis.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1973, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Horriane Coyle*  
HORRIANE COYLE, City Clerk

Measure A

City of Modesto  
Initiative Ordinance

Shall the ordinance entitled  
"Modesto Citizens Advisory  
Growth Management Act"  
be adopted?

The City Council of the City of Modesto shall not approve, authorize, or appropriate funds for the extension of any sewer trunk without first holding an advisory election as provided by Section 5353 of the California Elections Code. For the purposes of this ordinance, the word "extension" shall mean the addition of sewer trunk capacity to permit expansion of urban development into the Urban Reserve area of the General Plan so as to require amendment of the General Plan, but shall not include any maintenance, repairs, renovation, or improvements to an existing sewer trunk solely for the purposes of safe, efficient, and effective operation thereof.

Measure B

City of Modesto  
Low-Rent  
Housing Measure

Shall private sponsors and/or the Housing Authority of the County of Stanislaus develop, construct and acquire with financial assistance from the California Housing Finance Agency or the federal government, low rent housing in the City of Modesto of not more than 600 dwelling units for living accommodations for persons who are handicapped, blind or elderly and/or families who lack the amount of income necessary to enable them, without financial assistance, to live in decent, safe and sanitary dwellings without overcrowding?

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1259

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. 67-66 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 an amendment 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:

CLASSIFICATIONS ABOLISHED

Lead Building Inspector

Lead Electrician

Parks Maintenance Trainee

Public Works Maintenance Trainee

SECTION 2. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is further amended to create new classifications as follows:

CLASSIFICATIONS CREATED

Assistant Chief Electrician

Chief of Survey Party

Recreation Program Supervisor

Supervising Building Inspector

The specifications for the classifications created, as shown on the attached Exhibits "A", "B", "C", and "D", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan.

SECTION 3. CLASSIFICATIONS AMENDED. The Position Classification Plan of the City of Modesto is further amended to amend the specifications for the following classifications as shown on Exhibits "E", "F", "G", "H", "I", "J", and "K", attached hereto and hereby approved and made a part of the Position Classification Plan of the City of Modesto:

- Building Maintenance Supervisor
- Building Maintenance Leadworker
- Parks Maintenance Supervisor I
- Public Works Supervisor I
- Parking and Traffic Leadworker
- Parks Maintenance Leadworker
- Public Works Lead Worker

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

ASSISTANT CHIEF ELECTRICIANDEFINITION

Under direction, to supervise and participate in a wide variety of electrical work in the installation, maintenance and repair of electrical systems and equipment; and to do related work as required.

EXAMPLES OF DUTIES

Schedules, supervises and participates in the installation, maintenance, testing and repair of traffic signals, street lighting, telemeter, control and alarm systems; supervises and participates in the maintenance and repair of electrical and lighting systems and equipment in City buildings, parks, sewage plants and pumping stations; keeps records and makes reports and recommendations on future electrical needs; inspects and recommends approval of contract electrical work; orders parts and equipment; evaluates and trains employees; may act for the Chief Electrician in his absence.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles.

EMPLOYMENT STANDARDS

Knowledge of: Standard practices, tools, materials and equipment of the electrical trade; design, construction, installation and maintenance of electrical and lighting equipment; electrical codes and related ordinances and regulations; electric motors and control systems; Federal, State, and local safety laws and regulations; principles of supervision and training.

AND

Ability to: Use electrical tools and equipment skillfully and safely; read and follow electrical plans and specifications; diagnose causes of electrical failure; repair electrical signal, lighting, control and alarm systems; understand and carry out oral and written instructions; work from heights; supervise the work of others; promote safe work practices; keep records and make reports; establish and maintain cooperative relationships with those contacted during the course of work.

AND

Experience: Two years of experience as a fully skilled electrician comparable to that of an electrician with the City of Modesto.

# CHIEF OF SURVEY PARTY

## DEFINITION

Under direction to perform the most difficult subprofessional field surveying work; to supervise a field surveying crew in preliminary design and construction surveying; and to do related work as required.

## EXAMPLES OF DUTIES

Serves as Chief of Party for the City's survey crews in performing preliminary design and construction surveying; supervises the locating and determining of elevations for widening and realigning of existing roads, layout of new roads, establishment of right-of-way, building removal, and other public improvements; supervises the establishment of ground control points for photogrammetry surveys; keeps notes in field books showing property line control, alignment, location of surface and subsurface objects; draws topographical maps in the field; indexes field books and keeps records of survey monuments; supervises, schedules and evaluates the work of assigned personnel; assists with the hiring of new personnel.

## SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles.

## DESIRABLE QUALIFICATIONS

### Knowledge of:

- Advanced principles of design and construction surveying;
- Basic principles of civil engineering as applied to surveying work;
- Surveying instruments;
- Methods of describing and locating real property;
- Federal, State, and local safety laws and regulations;
- Principles of supervision and training.

and

### Ability to:

- Perform the most difficult surveying work;
- Supervise and direct the work of a field surveying crew;
- Make accurate engineering computations and notes;
- Update and index field surveying works;
- Insure the accuracy and reliability of field surveying work;
- Adapt to changing safety requirements;
- Establish and maintain cooperative relationships with those contacted during the course of work.

and

**Experience:**

Four years of subprofessional experience in engineering survey or office work.

and

**Education:**

Completion of 12 units of college level courses in civil engineering and surveying.

RECREATION PROGRAM SUPERVISOR

DEFINITION

Under general supervision, to assist in the supervision and development of municipal recreation programs and other phases of departmental responsibilities; and to do related work as required.

EXAMPLES OF DUTIES

Supervise, organize, and coordinate approved recreation programs; assist in recruiting and selection of part-time personnel and volunteer staff; train and evaluate part-time personnel and volunteer staff; interpret established policy; assist in comparing the budget and planning expenditures; maintain records and prepare reports; assist in any other phase of the recreation program operation as assigned.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles. Registration with the California Board of Park and Recreation Personnel (within first year of employment).

EMPLOYMENT STANDARDS

Knowledge of: principles and techniques of recreation activities for a well-rounded municipal recreation program; sports, crafts, dramatics, games, and group activities; playground safety and first aid methods;

AND

Ability to: Coordinate and schedule a variety of activities; train paid and volunteer recreation staff; prepare reports; establish and maintain cooperative relationships with those contacted during the course of work;

AND

Education: Equivalent to graduation from college with major work in recreation, group work, physical education, or a closely related field. Two years of public recreation experience of an acceptable level may be substituted for two years of the required education.

SUPERVISING BUILDING INSPECTORDEFINITION

Under direction, to assign, coordinate, and supervise the work assignments of Building Inspectors; to perform the more difficult and complex inspections of buildings and structures; to review building plans and specifications and enforce building, plumbing, electrical, occupancy, and zoning ordinances and codes; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

The position allocated to this class is distinguished by the responsibility of assisting or relieving the Chief Building Official of a variety of day-to-day supervisory and operational details such as scheduling, coordinating, supervising, training, and assisting with the daily work assignments of inspection personnel. Additionally, the position allocated to this class is expected to perform the more difficult and complex field inspections, review building plans and specifications, and explain building regulations to contractors and the general public.

EXAMPLES OF DUTIES

Schedules, coordinates, and supervises the daily assignments of inspection personnel; assists and participates in the performance of the more difficult and complex field inspections of structures during rough to finished stages of construction, alteration, and repair; checks commercial, residential, and multiunit building plans for occupancy, structural and zoning requirements; coordinates plan checking with various City departments such as planning, public works, fire, and parks; reviews, recommends, and establishes plan check policies and procedures to insure continuity, consistency, and completeness; provides technical assistance and instructs subordinate personnel in code interpretation, inspection techniques, and departmental objectives; investigates building and zoning complaints from the public, homeowners, and contractors; provides necessary information to the Chief Building Official to aid in the preparation of annual budget; conducts special inspections and investigations of existing structures and prepares comprehensive written reports of findings and recommendations; evaluates and trains subordinate personnel; may act for the Chief Building Official in his absence.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles.

EMPLOYMENT STANDARDS

Knowledge of: Building construction plans, methods, materials, and proper inspection methods; building, electrical, and plumbing codes and ordinances enforceable by the City such as the uniform building and plumbing codes, National Electrical Code, State, City zoning ordinances, and County health codes; acceptable health and safety standards in building construction; Federal, State and local safety laws and regulations; principles of supervision and training.

AND

EXHIBIT "D"

*Ability to: Assist in the planning, training, assignment, and supervision of field inspection personnel; perform the more difficult inspection tasks and train personnel in proper inspection, record keeping, report writing practices and procedures; promote safe work practices; prepare and present concise, comprehensive reports; read, interpret, and apply terms and requirements of pertinent regulations, codes, and ordinances, review, interpret, and analyze building plans and specifications; establish and maintain cooperative relationships with those contacted during the course of work.*

AND

Experience: Three years of progressively responsible journeyman-level experience in a variety of building construction work, which included at least two years of experience in an inspectoral capacity comparable to the class of Building Inspector in the City of Modesto.

BUILDING MAINTENANCE SUPERVISORDEFINITION

Under direction, to plan, organize, and supervise skilled and semi-skilled maintenance, alteration, repair, and construction work on City buildings and related equipment; to perform building maintenance and construction tasks; to supervise janitorial work; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

This is a full supervisory class requiring the ability to lay-out, assign, supervise, and evaluate the work of other employees. In addition, incumbents are responsible for performing skilled building maintenance and construction work. They also have the responsibility for making cost estimates and keeping project records.

EXAMPLES OF DUTIES

Plans, assigns, supervises, and evaluates the work of other employees involved in building maintenance and/or janitorial work; makes cost estimates for building maintenance and construction projects; keeps a variety of records and reports for projects performed by building maintenance and/or janitorial crews; trains new employees; ensures that work performed by assigned staff is in conformance with work standards; requisitions supplies and materials; operates and does preventive maintenance on low pressure hot water and steam boilers and related devices including pipes, radiators, valves, gaskets, belts, switches, thermocouples, pumps, motors and other parts and devices; checks and adjusts hot water heaters; checks operation and performs minor repairs on elevator equipment; does a variety of preventive maintenance and repair work on plumbing fixtures, water and sewer lines, valves, drains, and related equipment; removes plumbing stoppages; removes, checks, and replaces light bulbs, sockets, outlets, switches, cords, ballasts, fuses, and indicator lights; builds and repairs shelves; repairs chairs, file drawer bearings, door locks, door closers, roof leaks, and wall cracks; prepares and paints building surfaces; maintains and repairs fire extinguishers, alarms, sprinklers, and floor tiles; plans, assigns, supervises, and evaluates the work of several janitors; performs budgetary planning and controls expenditures; holds safety information meetings; may be required to respond to emergency calls regarding building equipment failures.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles.

EMPLOYMENT STANDARDS

Knowledge of: Standard tools, methods, practices, and materials involved in one or more of the carpentry, painting, plumbing, electrical, heating, and air conditioning trades, preferably with emphasis on more than one of the trades; safe work practices and procedures; plumbing and electrical equipment in City buildings; methods and practices followed in the maintenance of tools, machinery, and equipment; principles of supervision and training; budgetary planning and expenditure control.

*Ability to: Plan, organize, supervise, and evaluate the work of assigned staff; Demonstrate proficiency in assigned building trades work; recognize and locate conditions which require maintenance and repair work; use and care for hand and power tools utilized in the building trades; estimate time and materials needed to perform maintenance and repair jobs; read plans, specifications, blueprints, and drawings; think and act quickly in emergency situations; keep a variety of records and reports; adapt to changing safety requirements; establish and maintain cooperative relationships with those contacted during the course of work.*

AND

Experience: Four years of increasingly responsible experience in building maintenance and trades work.

BUILDING MAINTENANCE LEADWORKERDEFINITION

Under general supervision, to lead and participate in the work of a small crew engaged in the maintenance and upkeep of City Parks and Recreation buildings and to do related work as required.

EXAMPLES OF DUTIES

Assigns, supervises and participates in the work of small janitorial crews engaged in building maintenance; insures that work performed by assigned staff is in conformance with work standards; requisitions supplies and materials; supervises and participates in the sweeping, mopping, scrubbing, stripping and waxing of tiled floors and wooden floors; vacuums rugs and carpets; cleans, dusts and polishes furniture, woodwork and cabinets, empties waste receptacles; cleans hallways, restrooms, offices, interior glass and venitian blinds; supervises and participates in the moving and arranging of furniture and equipment; polishes metal work; turns out lights and goes over check list of items requiring attention, locks doors and windows, refills lavatory supply dispensers, replaces light bulbs and tubes; operates scrubbers, buffers, waxers and other machinery and equipment, reports needed repairs to buildings to his supervisor; performs some minor building repairs of doors, locks, windows and fixtures; may clean grounds and sidewalks around the building.

EMPLOYMENT STANDARDS

Knowledge of: Machinery and equipment used for janitorial building maintenance; janitorial supplies; proper materials and procedures and methods used for cleaning purposes; principles of supervision and training; safe work practices and procedures.

AND

Ability to: Perform heavy manual labor; assign and supervise small crew; maintain records and prepares reports of building maintenance; understands and carries out oral and written instructions; adapt to changing safety requirements; establishes and maintains cooperative working relationships.

AND

Experience: Three years of increasingly responsible experience in building maintenance, construction, or street maintenance work.

PARKS MAINTENANCE SUPERVISOR IDEFINITION

Under direction, to assign, supervise, and participate in the operation, maintenance, and improvement of City parks, golf courses, and street tree maintenance; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

Incumbents in positions allocated to the class of Parks Maintenance Supervisor I are responsible for supervision and coordination of the work of several crews of employees performing street tree maintenance, park, and golf course maintenance work, including maintenance and repair work on park, street tree, and golf course buildings and equipment.

EXAMPLES OF DUTIES

Supervises park, street tree, and golf course personnel in the efficient maintenance of park buildings, grounds, and related equipment; instructs and trains subordinate personnel in the performance of their duties; inspects parks, street trees, and golf courses to locate and determine the extent of repair or maintenance work required; supervises, instructs and performs needed plumbing and carpentry repair and maintenance work on assigned parks and grounds areas and related structures; assists in estimating labor and material costs for work to be performed; assists in preparing and scheduling work assignments; supervises and assists personnel in the mixing and application of fungicides, herbicides, pesticides, and fertilizers; supervises the proper trimming of trees; keeps records and accounts for materials, equipment, and supplies used; answers inquiries from the general public concerning the City's park facilities; performs all phases of park maintenance and equipment operation.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles. Incumbents may be required to file a statement of economic interest.

EMPLOYMENT STANDARDS

Knowledge of: Tools, work materials, equipment, and procedures used in park maintenance work; operation and maintenance of parks maintenance equipment; tools, techniques, procedures, and principles of tree trimming work; use and applications of herbicides, fungicides, and pesticides; principles of propagating and maintaining trees, shrubs, and turf; principles of supervision, training, work coordination, and planning; safe work practices and procedures.

AND

Ability to: Assign, supervise and plan the work of personnel assigned to park, street tree, and golf course maintenance; adapt available tools, supplies, and equipment to particular park, street tree, and golf maintenance problems; provide training to park maintenance personnel; keep records and prepare reports; understand and carry out oral and written instructions; adapt to changing safety requirements; establish and maintain cooperative working relationships with those contacted during the course of work.

AND

Experience: Four years of increasingly responsible experience in park and golf course maintenance work or tree trimming work.

PUBLIC WORKS SUPERVISOR 1DEFINITION

Under direction, to assign and supervise the work of maintenance personnel engaged in a variety of street and other public works maintenance and repair activities; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

Positions allocated to this class are responsible for planning and supervising the work of approximately five to fifteen employees, who are normally assigned to one or more crews. Incumbents assign the work of these crews and periodically check on the progress of the work, which may be occurring at several different work locations.

EXAMPLES OF DUTIES

Assigns and supervises field crews engaged in repairing and patching City streets, repairing and constructing sidewalks and curbs, sewer system maintenance, installing and maintaining water services, meters, and lines, and sweeping streets; directs the operation of equipment involved in maintenance and repair work; assists in estimating and scheduling work to be done and in estimating the quantities of material needed for such work; reviews work projects in progress and upon completion; inspects various facilities for needed maintenance and repair; assigns and supervises personnel involved in the removal and trimming of trees; answers questions and takes action on complaints and requests pertaining to the work of the department; insures the proper use and care of tools, materials, and equipment; enforces safety regulations; keeps records and makes reports on material, equipment used, and employees' time spent on various projects; consults with supervisor in planning work load and assignments; may respond to emergency calls.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles.

EMPLOYMENT STANDARDS

Knowledge of: Tools, methods, procedures, and equipment used in public works maintenance and repair work; the operation and maintenance requirements of trucks, power-driven equipment, and heavy equipment; tree trimming techniques and procedures; principles of supervision, training, work coordination and planning; safe work practices and procedures.

AND

Ability to: Assign and supervise the work of crews engaged in equipment operation and public works maintenance and repair work; read and interpret plans and specifications; estimate time, materials, and equipment needed to perform general maintenance and repair work; provide training to subordinate personnel; adapt to changing safety requirements; keep records and prepare reports; establish and maintain cooperative relationships with those contacted in the course of work.

AND

EXHIBIT "H"

***Experience: Four years of increasingly responsible work experience in public works maintenance and repair work.***

PARKING AND TRAFFIC LEAD WORKERDEFINITION

Under general supervision, to be responsible for the painting and maintenance of traffic control markings; and to do related work as required.

EXAMPLES OF DUTIES

Supervises, assigns, inspects, and assists with the painting and maintenance of traffic control markings; supervises and assists crew assigned for center line striping; patrols and inspects City streets to determine needs for new signs and pavement markings; maintains accurate records of City street signs and markings installed and maintained; determines equipment and material needs; maintains inventory of signs, materials, paints, and reflector beads; prepares and submits time, equipment, and progress reports, operates and maintains equipment assigned; trains subordinate employees.

SPECIAL REQUIREMENTS

Possession of an appropriate California operator's license issued by the State Department of Motor Vehicles.

EMPLOYMENT STANDARDS

Knowledge of: Principles of supervision and training; methods, materials, and equipment used in the painting and maintenance of traffic control markings; laws, ordinances, and codes as they pertain to the painting of traffic control markings; safe work practices and procedures.

AND

Ability to: Supervise and assist in center line striping and other pavement marking operations; perform heavy manual labor; estimate labor and material costs for traffic control work; keep accurate records and prepare reports; understand and carry out oral and written instructions; adapt to changing safety requirements; establish and maintain cooperative working relationships.

AND

- Experience: Three years of increasingly responsible traffic painting, construction, or street maintenance work.

PARKS MAINTENANCE LEAD WORKERDEFINITION

Under general supervision, to lead and participate in the work of a small crew engaged in the maintenance and upkeep of City parks and golf courses; and to do related work as required.

EXAMPLES OF DUTIES

Assigns, supervises and participates in the work of small crew engaged in cultivating, watering, and trimming hedges, lawns, trees, and shrubs at an assigned work location; assigns, supervises, and participates in the work of a small crew engaged in the maintenance and upkeep of a nine hole golf course; inspects golf course greens and fairways for proper upkeep; identifies and controls turf diseases and other abnormalities; aerifies, verti-cuts, and top dresses greens and landscaped areas; insures the proper mowing of fairways; supervises and participates in the application of fertilizers, herbicides, and pesticides; keeps records and makes reports.

SPECIAL REQUIREMENTS

Possession of an appropriate California operator's license issued by the State Department of Motor Vehicles.

EMPLOYMENT STANDARDS

Knowledge of: Methods, tools, materials, equipment and supplies used in gardening, park maintenance and golf course upkeep; basic characteristics of plant pests and diseases and techniques for their control; operation of a variety of grounds and park maintenance equipment; safe work practices and procedures; principles of supervision and training.

AND

Ability to: Perform a wide variety of gardening, park maintenance, and golf course maintenance work; use hand and power equipment in performing park maintenance, golf course maintenance, and semiskilled trades work; insure the proper aerification, verti-cutting, and top dressing of golf course greens; perform heavy manual labor; assign and supervise the work of a small crew; maintain records and prepare reports; understand and carry out oral and written directions; adapt to changing safety requirements; establish and maintain cooperative working relationships.

AND

Experience: Three years of increasingly responsible experience in parks or golf course maintenance work or tree trimming work.

PUBLIC WORKS LEAD WORKERDEFINITION

Under general supervision, to serve as lead worker and participate in the work of a small number of employees maintaining and patching streets, pouring and finishing concrete, or maintaining airport grounds, runways, and facilities; and to do related work as required.

DISTINGUISHING CHARACTERISTICS

Incumbents whose positions are allocated to this class are assigned the more difficult and complex tasks in street repair, concrete work, and airport maintenance work. Also, they provide lead supervision to a small number of other employees.

EXAMPLES OF DUTIES

Leads and assists a crew in breaking up concrete or asphalt and repairing streets and sidewalks by patching with asphalt or pouring concrete; operates patch trucks, scoop loaders, and other moderately heavy power-driven equipment; builds and places forms, mixes, pours, and finishes concrete to repair or build sidewalks and curbing; supervises and assists in airport building cleaning, maintenance, and repair work; inspects and repairs runway, taxiway, and loading surfaces; supervises and participates in maintenance of airport lighting equipment, drainage systems, landscaping and grounds, and sewage facilities; maintains airport security; may perform heavy semiskilled and skilled construction and maintenance work; insures that safe operating practices are followed; performs minor maintenance and repair to assigned equipment; checks and maintains time sheets and records of materials used; assists in estimating materials and time needed for projects.

SPECIAL REQUIREMENTS

Possession of an appropriate operator's license issued by the California Department of Motor Vehicles.

EMPLOYMENT STANDARDS

Knowledge of: The operation and maintenance requirements of trucks and other moderately heavy power-driven equipment; tools, materials, procedures, and equipment used in street, sidewalk, and airport maintenance and repair work; principles of supervision and training; safe work practices and procedures.

AND

Ability to: Supervise the work of a crew engaged in equipment operation and street, sidewalk, and airport maintenance and repair work; perform highly skilled maintenance and repair assignments; perform heavy manual labor; operate a variety of power-driven equipment; provide training to less experienced employees; read and interpret work plans and blueprints; understand and carry out oral and written directions; keep records and make reports; adapt to changing safety requirements; establish and maintain cooperative working relationships with those contacted in the course of work.

AND

EXHIBIT "K"

*Experience: Three years of increasingly responsible experience in street or building maintenance and construction work.*

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1260

A RESOLUTION AMENDING EXHIBIT "F" OF RESOLUTION NO. 77-660 ENTITLED "A RESOLUTION ESTABLISHING SALARY SCHEDULES AND FIXING COMPENSATION FOR POSITIONS IN THE CITY SERVICE".

BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 77-660. Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78" attached to Resolution No. 77-660, is hereby amended as shown on the amended Exhibit "F" entitled "City of Modesto Alphabetical Listing of Classifications in City Service 1977-78", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "F" deletes the classification of Lead Building Inspector from Range 428.0, and adds the classification of Supervising Building Inspector to Range 428.0; deletes the classification of Lead Electrician from Range 126.0, and adds the classification of Assistant Chief Electrician to Range 426.0; deletes the classification of Civil Engineering Technician IV from Range 426.5 and adds the classification of Civil Engineering Technician IV to Range 126.5; deletes the classifications of Parks Maintenance Trainee and Public Works Maintenance Trainee from Range 112.0; adds the classification of Recreation Program Supervisor to Range 117.5, and adds the classification of Chief of Survey Party to Range 426.5.

SECTION 2. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after December 19, 1978.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978,

by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

CITY OF MOJESTO  
ALPHABETICAL LISTING OF CLASSIFICATIONS IN CITY SERVICE  
1977-78

(Effective 7-5-77, amended 7-26-77, 8-15-77, 11-28-77, 4-17-78, 6-20-78, 7-24-78, 10-16-78, 11-13-78, 12-11-78)

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
111.5	Account Clerk I	433.0	Chief Building Official
114.5	Account Clerk II	429.0	Chief Electrician
116.5	Account Clerk III	N/A	Chief of Police
119.5	Account Clerk IV	426.5	Chief of Survey Party
426.0	Accountant	N/A	City Attorney
432.0	Accounting Administrator	N/A	City Clerk and Auditor
426.0	Administrative Analyst	N/A	City Manager
426.5	Administrative Assistant (Parking & Traffic)	117.5	Civil Engineering Technician I
429.0	Airport Manager	120.5	Civil Engineering Technician II
424.5	Airport Maintenance Supervisor	123.5	Civil Engineering Technician III
118.5	Animal Control Officer	120.5	Civil Engineering Technician IV
122.0	Assistant Building Inspector	124.0	Coach Mechanic
633.0	Assistant Chief of Police	120.5	Community Service Officer
434.0	Assistant City Attorney	119.5	Computer Operator
420.5	Assistant City Clerk	125.0	Construction Inspector
429.0	Assistant Civil Engineer	426.5	Data Processing Supervisor
436.0	Assistant Director of Public Works	427.0	Deputy City Attorney I
122.5	Assistant Electrician	312.0	Detective
426.0	Assistant Chief Electrician	N/A	Director of Finance
426.0	Assistant Planner	N/A	Director of Management Services
426.0	Assistant Property Agent	N/A	Director of Parking and Traffic
122.0	Assistant Public Services Inspector	N/A	Director of Parks and Recreation
122.0	Assistant Zoning Inspector	N/A	Director of Planning and Community Development
432.0	Associate Civil Engineer	N/A	Director of Public Works and City Engineer
429.0	Associate Planner	120.5	Electrical Technician
426.0	Budget Accountant	118.5	Electrical Trainee
125.0	Building Inspector	124.5	Electrician
424.5	Building Maintenance Supervisor	122.0	Equipment Mechanic
120.5	Building Maintenance Worker	120.5	Equipment Operator
122.5	Building Maintenance Leadworker	427.0	Equipment Repair Shop Supervisor
		119.5	Equipment Service Worker

<u>Range No.</u>	<u>Title of Classification</u>	<u>Range No.</u>	<u>Title of Classification</u>
120.5	Financial Specialist	113.5	Office Services Clerk
529.0	Fire Battalion Chief	122.5	Office Services Supervisor
N/A	Fire Chief	117.5	Offset Duplicating Equipment Operator
211.0	Fire Engineer		
210.0	Fire Fighter	122.5	Parking and Traffic Leadworker
213.0	Fire Lieutenant	120.5	Parking and Traffic Maintenance Worker
112.0	Fire Prevention Inspector Trainee	122.5	Parks Maintenance Leadworker
		424.5	Parks Maintenance Supervisor I
122.5	Heavy Equipment Operator	426.5	Parks Maintenance Supervisor II
120.5	Housing Conservationist	118.5	Parks Maintenance Worker I
432.0	Housing Program Officer	120.5	Parks Maintenance Worker II
		433.0	Parks and Recreation Superintendent
125.0	Industrial Waste Inspector	413.5	Personnel Clerk I
		416.5	Personnel Clerk II
116.5	Janitor	432.0	Personnel Manager
123.0	Junior Accountant	420.5	Personnel Technician I
126.0	Junior Civil Engineer	423.5	Personnel Technician II
123.0	Junior Planner	426.0	Plan Review Engineer I
		429.0	Plan Review Engineer II
114.5	Keypunch Operator	117.5	Planning Technician I
		120.5	Planning Technician II
122.5	Laboratory Technician	123.5	Planning Technician III
116.5	Laborer	632.0	Police Captain
426.0	Landscape Designer	630.0	Police Lieutenant
125.0	Lead Coach Mechanic	310.0	Police Officer
123.0	Lead Equipment Mechanic	117.5	Police Property Clerk
418.5	Legal Secretary	425.0	Police Records Supervisor
		627.0	Police Sergeant
429.0	Management Assistant	425.0	Police Services Supervisor
429.0	Management Assistant (Risk Manager)	426.0	Programmer Analyst
113.5	Microfilm and Graphics Technician	430.0	Property Agent
115.5	Microfilm and Graphics Technician II	125.0	Public Services Inspector
120.5	Motor Sweeper Operator	114.5	Public Services Trainee
424.0	Museum Supervisor	122.5	Public Works Leadworker
122.5	Nursery Propagator		

ALPHABETICAL LISTING (Continued)

Range No.	Title of Classification
118.5	Public Works Maintenance Worker I
120.5	Public Works Maintenance Worker II
424.5	Public Works Supervisor I
426.5	Public Works Supervisor II
120.5	Pump Maintenance Worker
124.0	Purchasing Assistant
429.0	Purchasing Officer
426.0	Recreation Supervisor
417.5	Recreation Program Supervisor
125.0	Rehabilitation Specialist
116.5	Secretary I
418.5	Secretary II
420.5	Secretary to the City Attorney
421.5	Secretary to the City Engineer
426.5	Senior Building Inspector
124.0	Senior Equipment Mechanic
432.0	Senior Planner
428.0	Senior Rehabilitation Specialist
423.5	Social Services Coordinator
114.5	Stenographer Clerk
118.5	Storeskeeper I
120.5	Storeskeeper II
120.5	Street Trees Maintenance Worker II
428.0	Supervising Building Inspector
416.5	Supervising Clerk I

Range No.	Title of Classification
113.5	Telephone Operator-Receptionist
429.0	Transit Manager
120.5	Tree Trimmer I
122.5	Tree Trimmer II
111.5	Typist Clerk I
113.5	Typist Clerk II
424.5	Warehouse Supervisor
118.5	Wastewater Treatment Plant Attendant
122.5	Wastewater Treatment Plant Mechanic
120.5	Wastewater Treatment Plant Operator I
122.5	Wastewater Treatment Plant Operator II
428.5	Wastewater Treatment Plant Supervisor
431.5	Water Quality Control Superintendent
114.5	Word Processing Technician I
116.5	Word Processing Technician II
113.5	Word Processing Trainee
125.0	Zoning Inspector

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1261**

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MODESTO IRRIGATION DISTRICT TO DISCHARGE STORM WATER INTO THE MID  
CANAL (ORCHARD DRAINAGE 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  
for discharging storm water into the M.I.D. canal - a prerequisite to  
establishment of the Orchard Drainage 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 11th day of  
December, 1978, by Councilmember Siefkin,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1262

A RESOLUTION WITHDRAWING CERTAIN DESCRIBED TERRITORY FROM THE  
WOODLAND FIRE PROTECTION  
DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a portion of the Woodland  
Fire Protection District in Stanislaus County was annexed to the City of Modesto as  
Woodland-Mercy Addition  
by Resolution No. 78-1150 adopted on November 6, 19 78, and said  
annexation officially became a part of the City of Modesto on November 29, 19 78,  
and

WHEREAS, the Health and Safety Code of the State of California provides  
that whenever any portion of such a District is included within a city by reason of  
annexation, such portion may be withdrawn from the District by the filing with the  
governing body of the District and the Stanislaus County Board of Supervisors, the  
tax levying authority of the District, a copy of a resolution of the legislative  
body of the city, describing the included portion, and declaring such portion withdrawn,  
and

WHEREAS, it is to the best interests of the residents in the area of said  
Fire Protection District which has been annexed to the City that the area be withdrawn  
from said Fire Protection District and provided fire prevention and fire fighting  
services by the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that  
the territory, the description of which is attached hereto and made a part hereof  
as though set forth in full herein, be withdrawn from the boundaries of the Woodland  
Woodland Fire Protection District in Stanislaus County. Said  
withdrawal to be effective at 12:00 midnight on December 31, 1978.

BE IT FURTHER RESOLVED that the City Clerk be, and she is hereby directed to file a certified copy of this resolution with the governing body of the District and the Stanislaus County Board of Supervisors, the tax levying authority of the District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Ross Campbell  
Public Works Department

WOODLAND-MERCY ADDITION

All that real property in the State of California, County of Stanislaus being a portion of the Southwest quarter of Section 24 and a portion of the Northwest quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southwest corner of BLUE GUM ADDITION (333), as per description filed June 12, 1975, as Instrument 48200, Stanislaus County Records, said point being on the Southern line of Lot 2 of ROSEMORE PARK TRACT, as per map filed April 17, 1907, in Volume 3 of Maps, Page 4, Stanislaus County Records:

1. thence along the existing City Limits of said addition (333), North  $88^{\circ} 33' 02''$  East, 651.20 feet, to the Northeastern corner of Lot 7 of said ROSEMORE PARK TRACT;
2. thence leaving existing City Limits along the Eastern line of said Lot 7, South  $1^{\circ} 04' 25''$  East, 1324.61 feet, to the South line of said Section 24;
3. thence along said Southern line, South  $88^{\circ} 36' 00''$  West, 0.84 feet, to a point on the Northerly extension of the West line of Pleasant Homes, as per map filed in Volume 9 of Maps, Page 67, Stanislaus County Records;
4. thence along said Northerly extension and West line of Pleasant Homes, South  $1^{\circ} 39' 13''$  East, 1410.32 feet, to the Southeastern corner of Lot 7 of the ELLIOTT TRACT, as per map filed March 16, 1909, in Volume 4 of Maps, Page 17, Stanislaus County Records;
5. thence along a Southern line of said Lot 7, North  $69^{\circ} 30' 53''$  West, 21.03 feet;
6. thence continuing along a Southern line, North  $86^{\circ} 54' 25''$  West, 365.76 feet;
7. thence continuing along the Southern line of said Lot 7 and the Southern line of Lot 8 of said ELLIOTT TRACT, North  $62^{\circ} 50' 44''$  West, 480.36 feet;
8. thence North  $1^{\circ} 39' 13''$  West, 1144.22 feet, to said South line of Section 24;
9. thence along said Southern line of Section 24, North  $88^{\circ} 36' 00''$  East, 141.92 feet, to the Southerly extension of the West line of the East half of said Lot 7 of ROSEMORE PARK TRACT;
10. thence along said Southerly extension and Western line of the East half of said Lot 7 of ROSEMORE PARK TRACT, North  $1^{\circ} 03' 45''$  West, 1324.04 feet, to the Westerly extension of the Southern line of said addition (333);
11. thence along the Westerly extension of the Southern line of said addition (333), North  $88^{\circ} 33' 02''$  East, 12.38 feet, to the point of beginning, containing 44.588 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1263

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND CONVENIENCE REQUIRE THAT AN AREA BE ANNEXED TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1; SETTING FORTH A GENERAL DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED TO THE DISTRICT; AND NAMING A TIME AND PLACE FOR HEARING ON THE ANNEXATION OF SAID TERRITORY TO SAID DISTRICT AND PROVIDING FOR NOTICE THEREOF. (WOODLAND-MERCY ADDITION)

WHEREAS, there has been annexed to the City of Modesto by Resolution No. 78-1150 on November 6, 19 78, certain territory known as Woodland-Mercy Addition, and

WHEREAS, the inclusion of the area contained in Woodland-Mercy Addition to the Modesto Municipal Sewer District No. 1 of the City of Modesto is required by the public interest and convenience,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The public interest and convenience require that that certain area annexed to the City of Modesto and known as Woodland-Mercy Addition (herein called the area proposed to be annexed) be annexed to the Modesto Municipal Sewer District No. 1 (herein called the "district") under the Community Facilities Law of 1911 (California Health and Safety Code Sections 4600, et seq., herein called the "law") pursuant to Article 6 of the law.

SECTION 2. A general description of the boundaries of the area proposed to be annexed to the district is attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. The area proposed to be annexed to the Modesto Municipal Sewer District No. 1 is hereby designated as Modesto Municipal Sewer District No. 1 Annexation No. 192.

SECTION 4. The Council hereby declares that the area proposed to be annexed to the district will be benefited by such annexation.

SECTION 5. Tuesday, January 23, 1979, at the hour of 7:30 P.M., is hereby named as the time and the City Council Chambers, City Hall, 801 11th Street, Modesto, California, is hereby named as the place for the hearing by the Council of the City of objections by any person interested in the annexation of the territory proposed to be annexed. On said day fixed for the hearing, or any day to which the hearing is continued, the Council shall hear and consider all written and oral objections presented to the annexation of the territory proposed to be annexed. At the hearing the Council may exclude from the territory proposed to be annexed any area that in its opinion would not be benefited by inclusion within the Modesto Municipal Sewer District No. 1. The Council will not modify the boundaries of the territory proposed to be annexed so as to exclude from it any land which would in the judgment of the Council be benefited by inclusion within the Modesto Municipal Sewer District No. 1, nor will the Council include in the territory proposed to be annexed any lands which will not in its judgment be so benefited. Upon the final hearing, and after making all necessary and proper changes (if any) in the boundaries of the territory proposed to be annexed, the Council may, by resolution passed by a vote of two-thirds (2/3) of all of its members, annex the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 192.

SECTION 6. The City Clerk is hereby directed, upon the adoption of this resolution, to cause this resolution, together with the names of the members of the Council voting for and against it, to be published once a week for at least two (2)

weeks before the day fixed for the hearing in The Modesto Bee, a newspaper of general circulation printed and published in the City. The first of said publications shall be not more than sixty (60) days nor less than thirty (30) days prior to the date fixed for the hearing. The City Clerk is hereby further directed to cause copies of this resolution to be posted in three (3) public places within the area proposed to be annexed, which said public places are hereby fixed and determined by the Council as follows:

- (1) The eastern line of the annexation at the southwest corner of Woodland Avenue and Mercy Avenue.
- (2) The eastern line of the annexation on the western line of Mercy Avenue at Temperate Avenue.
- (3) The eastern line of the annexation on the western line of Mercy Avenue at Torrid Avenue.

Said posting shall be made not earlier than the sixtieth (60th) day nor later than the thirtieth (30th) day prior to the date fixed for the hearing. Not earlier than sixty (60) days nor later than thirty (30) days prior to the hearing a copy of this resolution, together with a map showing the boundary lines of the territory proposed to be annexed, shall be mailed postage prepaid;

(1) To each person to whom land in the area proposed to be annexed is assessed either (a) as such owner as shown on the last equalized county assessment roll of the County, at his address as shown upon said roll, or in the case of any real property assessed for purposes of general taxation by the State Board of Equalization then to the owner of such property as shown on the last roll of the State Board of Equalization transmitted to the County Auditor of the County at his address as shown upon such roll, or (b) as such owner is otherwise known to the City Clerk at his address as known to the City Clerk (and the City Clerk shall make diligent efforts to ascertain the names and addresses of all persons owning land in the area proposed to be annexed

as of a date not more than thirty (30) days prior to the date of the hearing, including inspection by or for him of said last equalized county assessment roll, said roll of said State Board of Equalization, the County Assessor's records, the County Recorder's records, and inquiry at other sources); and

(2) To each person who has any interest in any land in the area proposed to be annexed whose name and address and a designation of the land in which he is interested is on file in the office of the City Clerk.

Any error, omission or mistake in any such mailing or any failure of any person to receive any such printed copy of this resolution (and such map) shall not invalidate the proceedings hereby initiated. Said publication, posting and mailing shall constitute notice of the hearing and no other notice of the hearing need be given.

SECTION 7. This resolution is adopted, and all proceedings for the annexation of the territory proposed to be annexed and designated as Modesto Municipal Sewer District No. 1 Annexation No. 192, shall be taken pursuant to the Law.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 19 78, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Rod Campbell*  
Public Works Department

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on December 11, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Siefkin, seconded by Councilmember Lang, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: December 12, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

WOODLAND-MERCY ADDITION

All that real property in the State of California, County of Stanislaus being a portion of the Southwest quarter of Section 24 and a portion of the Northwest quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southwest corner of BLUE GUM ADDITION (333), as per description filed June 12, 1975, as Instrument 48200, Stanislaus County Records, said point being on the Southern line of Lot 2 of ROSEMORE PARK TRACT, as per map filed April 17, 1907, in Volume 3 of Maps, Page 4, Stanislaus County Records:

1. thence along the existing City Limits of said addition (333), North  $88^{\circ} 33' 02''$  East, 651.20 feet, to the Northeastern corner of Lot 7 of said ROSEMORE PARK TRACT;
2. thence leaving existing City Limits along the Eastern line of said Lot 7, South  $1^{\circ} 04' 25''$  East, 1324.61 feet, to the South line of said Section 24;
3. thence along said Southern line, South  $88^{\circ} 36' 00''$  West, 0.84 feet, to a point on the Northerly extension of the West line of Pleasant Homes, as per map filed in Volume 9 of Maps, Page 67, Stanislaus County Records;
4. thence along said Northerly extension and West line of Pleasant Homes, South  $1^{\circ} 39' 13''$  East, 1410.32 feet, to the Southeastern corner of Lot 7 of the ELLIOTT TRACT, as per map filed March 16, 1909, in Volume 4 of Maps, Page 17, Stanislaus County Records;
5. thence along a Southern line of said Lot 7, North  $69^{\circ} 30' 53''$  West, 21.03 feet;
6. thence continuing along a Southern line, North  $86^{\circ} 54' 25''$  West, 365.76 feet;
7. thence continuing along the Southern line of said Lot 7 and the Southern line of Lot 8 of said ELLIOTT TRACT, North  $62^{\circ} 50' 44''$  West, 480.36 feet;
8. thence North  $1^{\circ} 39' 13''$  West, 1144.22 feet, to said South line of Section 24;
9. thence along said Southern line of Section 24, North  $88^{\circ} 36' 00''$  East, 141.92 feet, to the Southerly extension of the West line of the East half of said Lot 7 of ROSEMORE PARK TRACT;
10. thence along said Southerly extension and Western line of the East half of said Lot 7 of ROSEMORE PARK TRACT, North  $1^{\circ} 03' 45''$  West, 1324.04 feet, to the Westerly extension of the Southern line of said addition (333);
11. thence along the Westerly extension of the Southern line of said addition (333), North  $88^{\circ} 33' 02''$  East, 12.38 feet, to the point of beginning, containing 44.588 Acres, more or less.

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1264

RELEASE OF ACCESS

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
ROLLER KING

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
release of access  
that the/agreement between the City of Modesto and Roller King  
for an access easement which the Planning and Public Works staff  
agree is no longer available,

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated 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  
December, 19 78, by Councilmember Siefkin,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1265

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A JOINT APPLICATION WITH STANISLAUS COUNTY, TO THE STATE HEALTH AND WELFARE AGENCY FOR A PILOT MULTIPURPOSE SENIOR SERVICE PROJECT

WHEREAS, funding is available for establishment of pilot multi-purpose senior services projects by the State Health and Welfare Agency in accordance with AB 998, as approved by the Governor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the submission of a joint application with Stanislaus County, to the State Health and Welfare Agency for available grant monies, for a pilot multi-purpose senior service project, is hereby approved.

BE IT FURTHER RESOLVED that the execution of the application by the City's designated official, Garth Lipsky, City Manager, by and it is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Kullijian, who moved its adoption, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger,  
Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 73-1266

A RESOLUTION APPROVING ISSUANCE OF A PURCHASE ORDER TO J.H. KLEINFELDER AND ASSOCIATES FOR SOILS TESTS ON DRYDEN TRUNK SEWER - E.D.A. PROJECT NO. 07-01-01753

WHEREAS, it is necessary to have quality control on the backfill material on this sewer project; and

WHEREAS, J.H. Kleinfelder and Associates did the preliminary testing on this project; and

WHEREAS, it is desirable to have J.H. Kleinfelder and Associates do the quality control testing.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that issuance of a purchase order in the amount of \$6,000 to J.H. Kleinfelder and Associates for soils tests on Dryden Trunk Sewer - E.D.A. Project No. 07-01-01753 is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1973, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NCES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1267

A RESOLUTION APPROVING THE FINAL MAP OF THE  
MATTHEW TERRACE  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Modesto Development Company, a general partnership

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is (~~are~~) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 5.212 acres, known as the  
Matthew Terrace Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 19<sup>th</sup> day of  
September, 1978, 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 Matthew Terrace  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1268**

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16-3-9 OF THE ZONING MAP (Calvary Temple Assembly of God, Inc.)**

**WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 16-3-9 of the Zoning Map, to rezone from R-1 to P-D to permit expansion of an existing church and private school and related facilities, property located at the northwest corner of Briggsmore Avenue and Coffee Road the following described property:**

**SEE SCHEDULE "A"**

**and**

**Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-222 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 16-3-9 of the Zoning Map be set for January 9, 1979, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

All that portion of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Part 1

All of that portion of property shown as Remainder on the face of the map filed in Book 21 of Parcel Maps, at page 81, in the Stanislaus County Records, including the southerly 20 feet of Norwegian Avenue immediately adjacent to the north line of said property.

EXCEPTING THEREFROM the following described portion:

Beginning at the northwest corner of the 35.386 acre parcel shown on the map filed in Book 21 of Parcel Maps, at page 81, in the Stanislaus County Records, also being the true point of beginning; thence Southerly along the West line of said parcel a distance of 440.0 feet; thence Easterly along a line that is parallel with the North line of said parcel a distance of 696.0 feet; thence Northerly along a line that is parallel with the said West line a distance of 440.0 feet to the point of intersection with the said North line; thence Westerly along the said North line a distance of 696.0 feet to the point of beginning.

Part 2

Beginning at the point of intersection of the east line of property shown as Remainder on the map filed in Book 21 of Parcel Maps at page 81 in the Stanislaus County Records, with the South line of Block 1268 in Central Heights Estates as per map filed in Volume 21 of Maps at page 32 in the Stanislaus County Records; thence Southerly along said East line of said parcel map 475.57 feet more or less to the point of intersection with the north line of Briggsmore Avenue; thence Easterly along said North line 644.32 feet to the west line of Coffee Road; thence Northerly along said West line 443.83 feet to the point of intersection with said south line of Block 1268 in said Central Heights Estates; thence westerly along the South line of said Block 1268, 668.76 feet to the point of beginning.

Including also all that portion of street right-of-way between the east line of Section 16 and the east line of the above described property.

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1269**

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 15-3-9 OF THE ZONING MAP (Memorial Hospital)**

**WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 15-3-9 of the Zoning map to amend P-D(73) located at the northeast corner of Briggsmore Avenue and Coffee Road**

**the following described property:**

**All that portion of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:**

**All of Parcel 4 as shown on that certain map filed in Volume 12 of Parcel Maps, at page 37, in the Stanislaus County Records, including also the southerly 30 feet of Spanos Court and the easterly 60 feet of Coffee Road, all being immediately adjacent to said Parcel 4.**

**Including also all that portion of property situated between the south line of the above described property and the south line of said Section 15.**

**and**

**Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-223 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 15-3-9 of the Zoning Map be set for January 9, 1979, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 19 78, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1270**

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 16-3-9 OF THE ZONING MAP (ETHEEN AND CAROLYN WHITMAN)**

**WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 16-3-9 of the Zoning Map, to rezone from R-1 to R-2 property located on the south side of Floyd Avenue, west of MacGregor Court**

**the following described property:**

**All that portion of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:**

**The east 96 feet of the north 135 feet of Lot 16 of Coffee Colony, in the City of Modesto, County of Stanislaus, State of California, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 13, 1906, in Volume 2 of Maps, at page 22.**

**and**

**Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-224 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 16-3-9 of the Zoning Map be set for January 9, 1979, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 19 78, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1271**

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO THE ZONING REGULATIONS - ENFORCEMENT OF CONDITIONS OF USE PERMITS, VARIANCES, AND PLANNED DEVELOPMENT ZONES**

**WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Zoning Regulations - Enforcement of Conditions of Use Permits, Variances, and Planned Development Zones,**

**and**

**Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-229 recommending to the Council that amendments to the Zoning Regulations are required by public necessity, convenience and general welfare;**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendments to the Zoning Regulations be set for January 2, 1979, at 4:00 p.m. in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed / <sup>amendments</sup> as recommended by the Modesto City Planning Commission.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1272

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO ZONING REGULATIONS - DUPLEXES ON CORNER LOTS IN THE R-1 ZONE

WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to the Zoning Regulations concerning duplexes on corner lots in the R-1 Zone,

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-230 recommending to the Council that amendments to the Zoning Regulations are required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to the Zoning Regulations be set for January 2, 1979, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed /<sup>amendment</sup> as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1273**

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO THE ZONING REGULATIONS - RECREATION VEHICLE PARKING ON DRIVEWAYS**

**WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to the Zoning Regulations concerning recreation vehicle parking on driveways,**

**and**

**Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-221 recommending to the Council that amendment to Zoning Regulations is required by public necessity, convenience and general welfare;**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Zoning Regulations be set for January 2, 1979, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed / <sup>amendment</sup> as recommended by the Modesto City Planning Commission.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1978, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1274

**A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$1,200 FROM GENERAL RESERVE TO RENT OF REAL PROPERTY ACCOUNT FOR RENTAL OF SCHOOL FACILITIES AND EQUIPMENT FOR RECREATION PROGRAMS**

**BE IT RESOLVED** by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Reserve (60-800-101)	\$1,200
TC:	Recreation (215-320-101)	\$1,200

The Modesto City Schools have found it necessary to charge for the use of their equipment used by the general public and public agencies. This amount is necessary to pay for the use of the school equipment in the school facilities. It will be offset by fees charged for the various programs.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 19 78, by Councilmember Siefkin, 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: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1275

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF WALTER W. BREGMAN AS A MEMBER OF THE HUMAN RIGHTS COMMISSION, EFFECTIVE DECEMBER 5, 1978

WHEREAS, Walter W. Bregman was appointed as a member of the Human Rights Commission on September 7, 1976; and

WHEREAS, Walter W. Bregman has tendered his resignation as a member of the Human Rights Commission, effective December 5, 1978; and

WHEREAS, Walter W. Bregman has been a devoted and sincere public servant and has contributed greatly to our civic progress.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the resignation of Walter W. Bregman as a member of the Human Rights Commission is hereby accepted with regret.

BE IT FURTHER RESOLVED that the Council, on its own behalf, and on behalf of the Citizens of Modesto, hereby expresses its sincere appreciation to Walter W. Bregman for his outstanding service to the Community.

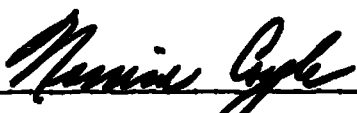
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijan

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1276

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR FURNISHING SEVEN TRUCK LIFTGATES**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for furnishing seven truck liftgates 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 16, 1978, at 2:00 p.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1277

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR HCDA REMOVAL OF ARCHITECTURAL BARRIERS, PHASE II

BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. The plans and specifications for HCDA removal of architectural barriers, Phase II 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 9, 1979, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 3. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Kullijian

ATTEST:   
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1278

A RESOLUTION ESTABLISHING SEWER SERVICE CHARGES.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code, as amended by Ordinance No. 1533-C.S., authorizes the Council, by resolution, to establish sewer service charges,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.01 of Chapter 6 of Title V of the Modesto Municipal Code entitled "DEFINITIONS" shall apply.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE. Each person owning property within the sewer district and receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates for the period commencing on and after February 1, 1979:

(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	\$2.35
Each dwelling unit in a duplex	1.70
One additional dwelling unit or mobile home on a lot	1.70
Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park	1.30

(b) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in a mobile home park shall be at the rate of 135% of the charges set forth above.

(c) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsection (a) above, there shall be an additional charge of One and no/100ths (\$1.00) Dollar per month per premises to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE. Each person owning property within the sewer district and receiving commercial sewer service shall pay a sewer service charge to the City in accordance with the following rates for the period commencing on and after January 1, 1979:

(a) Commercial users (including churches) shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as B.O.D.) and Suspended Solids (hereinafter referred to as S.S.) strength characteristics and shall pay sewer service charges based on 65% of the quantity of water used measured in gallons and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Director of Public Works 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
	<hr/>
<u>Group 1</u>	17.9¢
Combined B.O.D. and S.S. measured in mg/l is 400 mg/l or less	
<u>Group 2</u>	19.9¢
Combined B.O.D. and S.S. measured in mg/l is in the range of 401 mg/l to 900 mg/l.	
<u>Group 3</u>	24.0¢
Combined B.O.D. and S.S. measured in mg/l is in the range of 901 mg/l to 1400 mg/l.	
<u>Group 4</u>	28.0¢
Combined B.O.D. and S.S. measured in mg/l is over 1401 mg/l.	

(b) Sewer service charges for commercial users outside the Sewer District shall be at the rate of 135% of the charges set forth in subsection (a) above.

(c) Notwithstanding the charges set forth in subsections (a) and (b) above, there shall be a minimum \$2.00 per month sewer service charge for commercial users.

(d) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewage service charges set forth in subsection (a) above, there shall be an additional charge of One and 50/100ths (\$1.50) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(e) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(1) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(2) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Director of Public Works.

(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 Director of Public Works, and

(2) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (e) above.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE. Each person owning property within the sewer district and receiving industrial sewer service shall pay a sewer service charge to the City in accordance with the following rates for the period commencing on and after January 1, 1979:

(a) The monthly sewer service charges for industrial users shall be at the rate of \$165.00 per million gallons of flow based on either sewage discharge or water used.

(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 \$15.00 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.

(c) If the Suspended Solids (S.S.) of the industrial waste is over two hundred (200) mg/l, then an additional charge of \$15.00 per one thousand (1000) pounds of S.S. will be made for the S.S. in excess of two hundred (200) mg/l.

(d) Notwithstanding the charges set forth in subsections (a), (b), and (c) above, there shall be a minimum \$10.00 per month sewer service charge.

(e) In those cases where an industrial user has elected to install an effluent metering device to measure industrial waste and has an unmetered connection for disposal of sanitary sewage, the Director of Public Works may establish an estimated volume of sanitary sewage. The estimated volume shall be based upon the number and usage of plumbing fixture units contributing to the system and any other available information that indicates the volume of sanitary sewage. The quantity of flow thus estimated shall be added to the volume of industrial waste passing through the effluent meter and monthly sewer service charges shall be based upon the total volume.

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 period covered by Section 2 of this resolution shall be entitled to receive sewer service for said period for the prepaid rates.

SECTION 6. EFFECTIVE DATE. The Commercial and Industrial Sewer Service Charges established by this resolution shall become effective and apply on and after January 1, 1979 and the Residential Sewer Service Charges established by this resolution shall become effective and apply on and after February 1, 1979.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1279

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LELAND MILTON INC., EUGENE AND RACHAEL BOONE FOR THE ACQUISITION OF AN AVIGATION EASEMENT FOR THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Leland Milton, Inc., Eugene and Rachael Boone for the acquisition of an avigation easement which contains 17,295± square feet, located off runway 10L at the northerly end of the airport, for the Modesto City-County Airport/Harry Sham Field is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1280

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND EUGENE AND RACHAEL BOONE, ROY M. TUCKER, LELAND R. TUCKER, AND ROY M. TUCKER AS EXECUTOR OF THE ESTATE OF MARY A. TUCKER FOR THE ACQUISITION OF AN AVIGATION EASEMENT FOR THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Eugene and Rachael Boone, Roy M. Tucker, Leland R. Tucker, and Roy M. Tucker as executor of the estate of Mary A. Tucker for the acquisition of an avigation easement which contains 172± square feet, located off runway 10L at the northerly end of the airport, for the Modesto City-County Airport/Harry Sham field is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder 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 December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijan

ATTEST:   
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1281**

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 30-3-9 OF THE ZONING MAP (CARPENTER-RENO DEVELOPMENT GROUP)**

**WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 30-3-9 of the Zoning Map, to rezone from P-D(182) to M-1, property located between Carpenter Road and Reno Avenue, north of Kansas Avenue**

**the following described property:**

All that portion of Section 30, Township 3 South, Range 9 East, of the M.D.B. and M., described as follows:

Parcels 3 and 4 as shown upon that certain parcel map filed June 8, 1976, in Volume 23 of Maps, page 18, Stanislaus County Records; being a portion of Lot 27 of Maze Colony.

Including also the easterly 50 feet of Carpenter Road immediately adjacent to said Parcel 4 and the westerly 30 feet of Reno Avenue immediately to said Parcel 3.

**and**

**Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-226 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 30-3-9 of the Zoning Map be set for January 23, 1979, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.**

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1282

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 28-3-9 OF THE ZONING MAP (MARTIN OPTICAL)

WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 28-3-9 of the Zoning Map, to rezone from P-D(121) to C-1 property located on the northeasterly side of 15th Street, between G and H Streets

the following described property:

Lots 23, 24, 25 and 26, Block 120, City of Modesto, including also the northerly 40 feet of 15th Street and the southwesterly 10 feet of the 20-foot alley immediately adjoining the above described property.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-227 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 28-3-9 of the Zoning Map be set for January 23, 1979, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1283

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 21-3-9 OF THE ZONING MAP (JIM CORN)

WHEREAS, the Modesto City Planning Commission held a public hearing on January 23, 1979, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 21-3-9 of the Zoning Map, to rezone from R-2 to P-D(209) for a 20-unit condominium residential complex, property located at the northeast corner of E. Orangeburg Avenue and Yarmouth Drive  
the following described property:

All that portion of the northeast 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 intersection of Yarmouth Drive and East Orangeburg Avenue a point of true beginning, thence running along quarter quarter section line South 89° 38'23" East 285.00 feet, thence North 0° 38'30" West, 310.00 feet; thence, North 89° 40'23" West 110.00 feet; thence South 0° 38'30" East 66.32 feet; thence North 89° 40'23" West 175.00 feet; thence, North 0° 38'30" West 243.68 feet to the true point of beginning.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-237 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 21-3-9 of the Zoning Map be set for January 23, 1979, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1284

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO THE ZONING REGULATIONS- SIGN ABATEMENT

WHEREAS, the Modesto City Planning Commission held a public hearing on November 21, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to the Zoning Regulations, Section 10-2.3507 of the Municipal Code (Abatement deadline for signs made nonconforming by rezoning actions)

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-228 recommending to the Council that amendment to the Zoning Regulations described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to the Zoning Regulations be set for January 16, 1979, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed amendment to the Zoning Regulations.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensing, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1285**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING REGARDING AMENDMENTS TO CONFLICT OF INTEREST CODES FOR THE PARKS AND RECREATION DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT**

**BE IT HEREBY RESOLVED by the Council of the City of Modesto that January 16, 1979, 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 amendments to Conflict of Interest Codes - the position of "Lead Building Inspector" to be deleted and "Supervising Building Inspector" to be deleted; and "Supervising Building Inspector" added to the Public Works Department's Code.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:**

**AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Kullijian**

**ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1286

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
MODESTO CONFIRMING CANVASS OF SPECIAL MUNICIPAL  
ELECTION HELD IN THE CITY OF MODESTO ON NOVEMBER 7,  
1978, AND DECLARING THE RESULTS OF SAID ELECTION.

WHEREAS, the Council of the City of Modesto (herein called the "Council") duly called and ordered held in the City of Modesto (herein called the "City") a special municipal election (herein called the "election") for the purpose of submitting to the qualified electors thereof a proposal to approve 400 dwelling units of low rent housing in the City of Modesto, as hereinafter set forth; and

WHEREAS, the election was consolidated with the General Election held on Tuesday, November 7, 1978; and

WHEREAS, the election was held on Tuesday, November 7, 1978, 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 Board of Supervisors of Stanislaus County has caused to be canvassed the returns of said election in accordance with law and said proceedings and has certified the results of the election to the Council;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. Said canvass as shown by said certification by the Board of Supervisors of Stanislaus County and the results of the election are hereby ratified, confirmed and approved.

2. At the election the following measure (herein called the "measure")

was submitted to the electors of the City and the number of votes given in the City for and against said measure were as follows:

<u>MEASURE D</u>		<u>Total Votes For</u>	<u>Total Votes Against</u>
City of Modesto Low-Rent Housing Proposal	Shall private non-profit sponsors and/or the Housing Authority of the County of Stanislaus develop, construct and acquire with financial assistance from the California Housing Finance Agency or the federal government, low rent housing in the City of Modesto of not more than 400 dwelling units for living accommodations for elderly persons and/or families who lack the amount of income necessary to enable them, without financial assistance, to live in decent, safe and sanitary dwellings without overcrowding?	14,284	7,262

3. The total number of votes cast in the City at the election and the total number of votes given in each precinct and by absentee voters of the City for and against said measure were and are as set forth in said canvass certified by the Board of Supervisors of Stanislaus County.

4. More than a majority of all of the votes cast at the election on Measure D were in favor of said Low Rent Housing Proposal and the City Council hereby finds and determines and declares that said Low Rent Housing Proposal did carry and was approved and ratified by a majority of the qualified voters voting on said Low Rent Housing Proposal.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded

by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1287

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARNOLD C. AND HELEN J. DICKENS FOR THE LEASE OF 6+ ACRES OF OPEN LAND (FORMER RIVERSIDE PARK SITE) HELD FOR FUTURE DRY CREEK PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Arnold C. and Helen J. Dickens for the lease of 6+ acres of open land (former Riverside Park site) held for future Dry Creek Park, is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

  
\_\_\_\_\_  
NORRINE COYLE City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1288

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND ARNOLD C. AND HELEN J. DICKENS FOR LEASE OF A PORTION OF THE FORMER BOMBERGER PROPERTY (13.7± ACRES - PART OF FUTURE DRY CREEK PARK AREA)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Arnold C. and Helen J. Dickens for lease of a portion of the former Bomberger property (13.7± acres - part of future Dry Creek Park area), is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1289

A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND DONALD H. AND MARGARET D. SCOTT FOR THE LEASE OF A PORTION OF THE FORMER BOMBERGER PROPERTY (12.9+ ACRES - PART OF FUTURE DRY CREEK PARK AREA)

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Donald H. and Margaret D. Scott for the lease of a portion of the former Bomberger property (12.9+ acres - part of future Dry Creek Park area), is hereby approved.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized and directed to execute said agreement on behalf of the City of Modesto and the City Clerk authorized to record said Easement Deed with the Recorder of Stanislaus County.

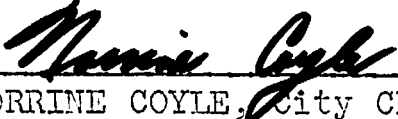
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensinger, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1290

A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS UNDER  
THE STATE LITTER CONTROL, RECYCLING AND RESOURCE RECOVERY FUND.

WHEREAS, the Legislature of the State of California has enacted the  
State Litter Control, Recycling and Resource Recovery Act which provides  
funds to certain entities for litter cleanup, litter law enforcement, litter  
education, and purchase of litter receptacles, and

WHEREAS, the State Solid Waste Management Board has been delegated  
the responsibility for the administration of the program, setting up necessary  
procedures governing application by local agencies under the program, and

WHEREAS, said procedures established by the State Solid Waste Management  
Board require the applicant to certify the approval of applications prior to  
submission of said applications to the state,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto:

1. Approves the filing of an application for funding under the  
Litter Control, Recycling and Resource Recovery Fund;
2. Certifies that said agency understands the general provisions  
of the grant agreement; and
3. Authorizes the City Manager, or his designated representative,  
as agent of the City of Modesto to conduct all negotiations,  
execute and submit all documents including but not limited to  
applications, grant agreements, amendments and payment requests,  
which may be necessary for the completion of the aforementioned  
program.

The foregoing resolution was introduced at a regular meeting of the  
Council of the City of Modesto held on the 18th day of December,

19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1291

AMENDED

A RESOLUTION APPROVING/AGREEMENT BETWEEN THE CITY OF MODESTO AND  
COUNTY OF STANISLAUS AND CITY OF CERES OF THE TUOLUMNE RIVER  
REGIONAL PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto  
that the <sup>amended</sup> agreement between the City of Modesto and County of  
Stanislaus and City of Ceres  
for the Tuolumne River Regional Park

be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 18th day of  
December 13, 19 78, by Councilmember Lang,  
who moved its adoption, which motion being duly seconded by Council-  
member Mensing, was upon roll call carried and the resolu-  
tion adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1292**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING OF NECESSITY TO  
ACQUIRE SETLIFF BROS. SERVICES PROPERTY FOR TUOLUMNE RIVER REGIONAL  
PARK DEVELOPMENT**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that January 9, 1979, at 7:30 P.M. in the Council Cham-  
bers, City Hall, 801 Eleventh Street, Modesto, California, is hereby  
set as the time and place for consideration of hearing of necessity to  
acquire Setliff Bros. Services property for Tuolumne River Regional  
Park development.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 18th day of  
December, 19 78, by Councilmember Lang, who  
moved its adoption, which motion being duly seconded by Councilmember  
Mensing, was upon roll call carried and the resolution  
adopted by the following vote:

**AYES: Councilmembers:** Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

**NOES: Councilmembers:** None

**ABSENT: Councilmembers:** Kullijian

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1293

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$450,000 FROM THE GENERAL RESERVE TO THE WATERLINE EXTENSION ACCOUNT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Reserve (60 800 101)	\$450,000
TO:	Waterline Extensions (6304 500 101)	\$450,000

The 1978-79 budget included an allowance of \$250,000 for waterline extensions. These funds have been expended on the 10" and larger water mains serving subdivisions, and it is estimated an additional \$450,000 is needed for the balance of the fiscal year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1978, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Mensingher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mensinger, Siefkin,  
Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1294

A RESOLUTION APPOINTING MEMBER OF THE CULTURE COMMISSION  
(John Sutton)

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: John Sutton  
1110 Notre Dame  
Modesto, Ca.

Term to expire 1/1/83

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 13th day of December, 19 78, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Lang, Mensinger, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1295**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL BY GORDON BERG OF A PLANNING COMMISSION DECISION REGARDING REZONING PROPERTY ON THE SOUTH SIDE OF RUMBLE BETWEEN CONANT AND LOU ANN DRIVE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that January 23, 1979, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by Gordon Berg of a Planning Commission decision regarding rezoning property on the south side of Rumble between Conant and Lou Ann Drive.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger, Siefkin

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1296**

**A RESOLUTION SETTING TIME AND PLACE FOR HEARING ON APPEAL BY LACORE TIRE CO. TO A PLANNING COMMISSION DECISION CONCERNING REZONING PROPERTY ON STANDIFORD AVENUE TO P-D**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that January 23, 1979, at 7:30 P.M. in the Council Chambers, City Hall, 801 Eleventh Street, Modesto, California, is hereby set as the time and place for consideration of an appeal by LaCore Tire Company to a Planning Commission decision concerning rezoning property on Standiford Avenue to P-D.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger, Siefkin

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1297

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE EXTERIOR RESTORATION OF McHENRY MANSION**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for the exterior restoration of McHenry Mansion copies of which are on file, are hereby accepted and approved.

**SECTION 2.** The City Clerk is hereby authorized to call for public competitive sealed bids for the above named project, to be opened in the office of the City Clerk, 801 11th Street, in the City of Modesto, on January 16, 1979, at 11:00 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijien, Mensinger, Siefkin

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1298**

**A RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND AUTHORIZING CALL FOR BIDS FOR THE CONSTRUCTION OF WATERLINE EXTENSIONS IN WOODLAND AVENUE, LILLIAN DRIVE, FLOYD AVENUE AND AT SNYDER AND PRESCOTT ROAD**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto as follows:

**SECTION 1.** The plans and specifications for the construction of waterline extensions in Woodland Avenue, Lillian Drive, Floyd Avenue and at Snyder and Prescott 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 9, 1979, at 11:05 a.m., and the City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

**SECTION 3.** After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council at its next regular meeting.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger, Siefkin

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1299

A RESOLUTION REJECTING ALL BIDS SUBMITTED FOR THE CONSTRUCTION OF THE STORM FLOW BYPASS AT THE CITY OF MODESTO WATER QUALITY CONTROL PLANT

WHEREAS, Resolution No. 78-1223, adopted by the Council of the City of Modesto on December 4, 1978, approved the plans and specifications for the construction of the storm flow bypass at the City of Modesto Water Quality Control Plant, and authorized the calling for bids, and

WHEREAS, the bids received for the construction of the storm flow bypass at the City of Modesto Water Quality Control Plant were opened at 11:00 a.m. on December 19, 1978, and later tabulated by the Director of Public Works for the consideration of the Council, and

WHEREAS, the low bid of \$28,900 submitted by H. Max Lee, Inc., is 88% above the engineer's estimate of \$15,374.70, and

WHEREAS, the Director of Public Works recommends that all bids be rejected and the project will be redesigned and rebid at a later date.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for the construction of the storm flow bypass at the City of Modesto Water Quality Control Plant, and opened in the office of the City Clerk on December 19, 1978, at 11:00 a.m. are hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST:

  
NORRINE COYLE, City Clerk

**MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1300**

**A RESOLUTION ACCEPTING THE BID OF REED EQUIPMENT COMPANY FOR FURNISHING ONE TRACTOR-LOADER**

**WHEREAS, Resolution No. 78-1188, adopted by the Council of the City of Modesto on November 20, 1978, approved the plans and specifications for the purchase of one tractor-loader**

**and authorized the calling for bids, and**

**WHEREAS, the bids received for the furnishing of one tractor-loader were opened at 2:00 p.m. on December 12, 1978, 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 Reed Equipment Company in the amount of \$16,991.80 be accepted as the lowest responsible bid.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Reed Equipment Company in the amount of \$16,991.80 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.**

**The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December,**

19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1301

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN WHITMORE INDUSTRIAL PARK NO. 1 AND WATERLINE EXTENSION IN SCENIC DRIVE TO 700' EAST ON SCENIC.**

**WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Whitmore Industrial Park No. 1 and waterline extension in Scenic Drive to 700' East on Scenic has been completed by Mac's Backhoe Service**

**in accordance with the contract agreement dated July 17, 1978.**

**NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Whitmore Industrial Park No. 1 and waterline extension in Scenic Drive to 700' East on Scenic be accepted from said contractor, Mac's Backhoe Service;**

**that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$26,120.50 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 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies**

**NOES: Councilmembers: None**

**ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin**

**ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk**

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1302

A RESOLUTION ACCEPTING THE CONSTRUCTION OF WATERLINES IN BEYERWOOD EAST NO. 2 AND WATERLINE EXTENSION AT FIRE STATION NO. 6

WHEREAS, a report has been filed by the Director of Public Works that the construction of waterlines in Beyerwood East No. 2 and waterline extension at Fire Station No. 6 has been completed by Mac's Backhoe Service

in accordance with the contract agreement dated August 14, 1978.

NOW, THEREFORE, BE IT RESOLVED that the construction of waterlines in Beyerwood East No. 2 and waterline extension at Fire Station No. 6 be accepted from said contractor, Mac's Backhoe Service;

that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of \$85,868.75 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 December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1303

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (BRIGGS NO. 1 ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on November 6, 1978, duly adopted Resolution No. 78-1138 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 189 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Tuesday, December 26, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 189 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 189 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 189, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 189, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Lang,

who moved its adoption, which motion being duly seconded by Council-  
member Elliott, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mayor Devies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ros Campbell*  
Public Works Department

All that real property in the State of California, being a portion of the Southeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being all of Lot 3 of the RE-SURVEY OF BRICHMAN'S ADDITION TO THE CITY OF MODESTO, as per map filed October 10, 1904, in Volume 2 of Maps, Page 1, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the Northwest corner of the GANT ADDITION (138), as per description filed October 18, 1962, as Instrument 39842, Stanislaus County Records;

1. thence continuing along the existing City Limits and the Western line of said ADDITION (138), South  $00^{\circ} 25' 00''$  West, 466.68 feet;
2. thence leaving the existing City Limits, North  $89^{\circ} 35' 00''$  West, 466.68 feet;
3. thence North  $00^{\circ} 25' 00''$  East, 496.68 feet, to the center line of 60.00 foot Briggs Avenue;
4. thence along the center line of Briggs Avenue, South  $89^{\circ} 35' 00''$  East, 466.68 feet;
5. thence South  $00^{\circ} 25' 00''$  West, 30.00 feet, to the point of beginning, containing 5.321 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on December 26, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Lang, seconded by Councilmember Elliott, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: December 27, 1978

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City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1304

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. (VINE STREET NO. 2 ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on November 6, 1978, duly adopted Resolution No. 78-1139 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 190 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Tuesday, December 26, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 190 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 190 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 190, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 190, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Elliott,

who moved its adoption, which motion being duly seconded by Council-  
member Dunlap, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Roz Campbell*  
Public Works Department

All that property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northeastern corner of the VINE ADDITION (257), as per description filed August 6, 1970, as Instrument 25008, Stanislaus County Records, said point being on the center line of 60.00 foot South Franklin Street;

1. thence along the existing City Limits and the Northern line of said ADDITION (257), South  $89^{\circ} 59' 00''$  West, 351.00 feet;
2. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 140.00 feet;
3. thence along the existing City Limits and a Southern line of said ADDITION (257), North  $89^{\circ} 59' 00''$  East, 165.00 feet;
4. thence along the existing City Limits and a Western line of said ADDITION (257), South  $00^{\circ} 10' 00''$  West, 130.00 feet, to the Northeast corner of the CALIFORNIA-FRANKLIN ADDITION (108), as per description filed May 25, 1960, as Instrument 14995, Stanislaus County Records;
5. thence along the existing City Limits and the Northern line of said ADDITION (108), South  $89^{\circ} 59' 00''$  West, 479.68 feet, to the center line of 50.00 foot Briggs Ditch;
6. thence leaving the existing City Limits and continuing along the center line of said ditch, North  $00^{\circ} 10' 00''$  East, 327.05 feet;
7. thence North  $89^{\circ} 58' 30''$  East, 665.68 feet, to the center line of 60.00 foot Franklin Street and the Western line of the original corporate City Limits;
8. thence South,  $00^{\circ} 10' 00''$  West, 57.05 feet, to the point of beginning, containing 3.315 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on December 26, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Elliott, seconded by Councilmember Dunlap, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mayor Davies

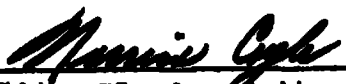
NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: December 27, 1978

  
\_\_\_\_\_  
City Clerk of the City of  
Modesto, California

(SEAL)

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1305

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO ANNEXING TERRITORY TO THE MODESTO MUNICIPAL SEWER DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES. ( MAZE-EMERALD NO. 2 ADDITION)

WHEREAS, the Council (herein called the "Council") of the City of Modesto (herein called the "City") heretofore on August 15, 1966, duly adopted Resolution No. 66-543, which was recorded in the office of the County Recorder of Stanislaus County on August 16, 1966, and which established the Modesto Municipal Sewer District No. 1, and

WHEREAS, the Council heretofore on November 6, 1978, duly adopted Resolution No. 78-1140 (herein called the "resolution") determining that the public interest and convenience require that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 191 be annexed to the Modesto Municipal Sewer District No. 1, setting forth a general description of the area proposed to be annexed, and naming a time and place for hearing on annexation of the territory proposed to be annexed and providing for notice thereof, and

WHEREAS, the resolution, together with the names of the members of the Council voting for and against it, was posted, mailed to property owners in the area proposed to be annexed and published in the time, form and manner required by the resolution and by the Community Facilities Law of 1911 (California Health and

Safety Code Section 4600, et seq., herein called the "law") as evidenced by the affidavit of posting and mailing and the affidavit of publication of the resolution on file in the office of the City Clerk, and

WHEREAS, on Tuesday, December 26, 1978, at the hour of 7:30 P.M., at the Council Chambers, City Hall, 801 11th Street, Modesto, California, said hearing was duly held and no objections were presented to the Council to the annexation of the area proposed to be annexed or to the inclusion of any lands in the District except:

No objections.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, as follows:

SECTION 1. Any and all objections to the annexation of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 191 to the Modesto Municipal Sewer District No. 1 or to the inclusion of any lands in said annexation are hereby overruled.

SECTION 2. The Council hereby determines that no territory or land is included within the boundaries of the territory proposed to be annexed to said Modesto Municipal Sewer District No. 1 which will not be benefited by said district.

SECTION 3. The Council hereby annexes that certain territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 191 to the Modesto Municipal Sewer District No. 1.

SECTION 4. The boundaries of the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 191, which is hereby annexed to the Modesto Municipal Sewer District No. 1, are hereby established, fixed and finally determined to be as attached hereto and made a part hereof as though set forth in full herein.

SECTION 5. This resolution is adopted and all proceedings for the annexation of territory to the District shall be taken, pursuant to the law.

SECTION 6. A certified copy of this resolution shall be recorded in the office of the County Recorder of Stanislaus County. Upon such recordation, the territory designated as Modesto Municipal Sewer District No. 1 Annexation No. 191, shall be deemed annexed to the Modesto Municipal Sewer District No. 1. Certified copies of this resolution, certified by the City Clerk, together with a map or plat showing the boundaries of the territory annexed, shall be filed by the City Clerk with the County Assessor of Stanislaus County, the County Clerk of Stanislaus County and the State Board of Equalization, Sacramento, California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap,

who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolution  
adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *Ross Campbell*  
Public Works Department

All that real property in the State of California, County of Stanislaus, being a portion of the South half of Section 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Southeastern corner of the MAZE-EMERALD ADDITION (288), as per description filed May 3, 1972, as Instrument 17665, Stanislaus County Records, said point being on the Northern line of the MARK TWAIN ADDITION (70), as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point also being on the center line of a 40 foot public road known as North Emerald Avenue and on the Northern line of Maze Boulevard;

1. thence along the existing City Limits and the Eastern boundary of ADDITION (288), North  $00^{\circ}31'30''$  West, 720.67 feet, to the Southern line of 100 foot Modesto Irrigation District Lateral No. 4 Right of Way;
2. thence leaving the existing City Limits and along said Southern line, South  $85^{\circ}52'30''$  East, 362.35 feet;
3. thence continuing along said Southern line, South  $73^{\circ}11'30''$  East, 440.60 feet, to the Northwestern corner of the CHRISTIAN CHURCH ADDITION (103), as per description filed January 12, 1960, as Instrument 684, Stanislaus County Records;
4. thence along the existing City Limits and the Western boundary of ADDITION (103), South  $00^{\circ}14'30''$  West, 570.44 feet, to the Northern line of ADDITION (70);
5. thence along said Northern boundary, North  $89^{\circ}45'30''$  West, 774.19 feet, to the point of beginning, containing 11.938 Acres, more or less.

CLERK'S CERTIFICATE

I, Norrine Coyle, City Clerk of the City of Modesto, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by at least a two-thirds (2/3) vote of all members of the Council at a regular meeting of said Council duly and regularly and legally called and held on due notice on December 26, 1978, of which meeting all of the members of said Council had due notice, and at which two-thirds (2/3) thereof were present and acting:

At said meeting said resolution was introduced upon motion of Councilmember Dunlap, seconded by Councilmember Lang, and adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes; and

Said resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

DATED: December 27, 1978

Norrine Coyle  
City Clerk of the City of  
Modesto, California

(SEAL)

CITY OF MODESTO

IMPROVEMENT DISTRICT NO. 23

RESOLUTION NO. 78-1306

RESOLUTION CONFIRMING PROCEEDINGS

AND ASSESSMENT

WHEREAS, the Superintendent of Streets (who is also the Director of Public Works and City Engineer) of the City of Modesto (the "City"), County of Stanislaus, State of California, did on November 15, 1978, file with the City Clerk of the City an assessment to represent the cost and expenses of the work and improvements done and made by the contractor pursuant to proceedings had and taken under Resolution of Intention No. 371 adopted by the City Council of the City (the "Council") on October 10, 1977, to which assessment was attached a diagram; and

WHEREAS, said City Clerk has duly given or caused to be given notice by publication, posting and mailing in the time, form and manner provided by law, of the filing of said assessment and of the time set for hearing thereon, which time was fixed in said notice as Tuesday, December 26, 1978, at the hour of 7:30 o'clock P.M., at the regular place of meeting of the Council, City Hall, 801 Eleventh Street, Modesto, California, and affidavits of publication, posting and mailing of said notice are on file with the Council; and

WHEREAS, no persons have appealed to the Council in the manner provided by law against the confirmation of said proceedings and of said assessment; and

WHEREAS, said hearing was held on said assessment at the time and place specified in said notice and at said hearing the Council received oral and documentary evidence concerning the correctness of said assessment (together with an amendment thereto), the proceedings leading up to said assessment and the proper performance and completion of the work and improvements in respect of which said assessment is issued;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MODESTO, STATE OF CALIFORNIA, as follows:

1. That all objections, appeals and protests not made at the time and in the manner provided by law are hereby deemed to have been waived voluntarily by all persons who might have made such appeals, protests or objections, and all such persons are hereby deemed to have consented to said assessment and to all other matters on which objections, protest or appeal could be made.

2. That said assessment as so amended and the diagram attached thereto and all proceedings leading up

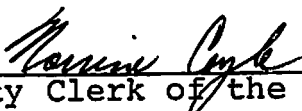
to the same, and all acts and determinations of said Superintendent of Streets (and Director of Public Works and City Engineer) in relation thereto, be and the same are hereby adopted, confirmed, ratified and approved and the Superintendent of Streets of the City and the Mayor of the City or the City Clerk are hereby authorized and directed to sign and countersign, and said Superintendent of Streets is hereby ordered to attach to said assessment a warrant bearing the date of this confirmation, to record said warrant, diagram and assessment in his office, and to deliver and issue said warrant, assessment and diagram to the contractor, its agents or assigns, forthwith upon the payment by said contractor to said Superintendent of Streets of the incidental expenses due thereon and not previously paid by said contractor, its agents or assigns.

PASSED AND ADOPTED this 26th day of December 1978,  
by the following vote:

AYES: Councilmen: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

  
\_\_\_\_\_  
City Clerk of the City of Modesto

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1307

A RESOLUTION APPROVING THE FINAL MAP OF THE  
GOLDCOAST ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, James Horn Construction Company, a California corporation,

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is (*here*) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 18.644 acres, known as the  
Goldcoast Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 1st day of  
March, 1978, 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 Goldcoast Estates  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyne*  
NORRINE COYNE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1308

A RESOLUTION OF THE MODESTO CITY COUNCIL PROTESTING  
THE EXECUTION OF AN OPEN SPACE CONTRACT APPLICATION  
NO. 79-3698 (LESLIE AND JUANITY MORROW)

WHEREAS, an Open Space Contract Application has been referred  
to the City of Modesto by the County of Stanislaus, and

WHEREAS, the effect of said application on the City of Modesto  
has been fully considered, and

WHEREAS, the City staff has recommended that the City protest  
the execution of said Open Space Contract,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that it does hereby protest the execution of an Open Space  
Contract on Application No. 79-3698 (LESLIE AND JUANITY MORROW).

BE IT FURTHER RESOLVED that this protest be filed with the  
Stanislaus County Board of Supervisors and the Stanislaus County Local  
Agency Formation Commission and the Local Agency Formation Commission  
is hereby requested to hold a hearing and consider this protest as  
provided for in Section 51243.5 of the Government Code of the State of  
California.

The foregoing resolution was introduced at a regular meeting of  
the Council of the City of Modesto held on the 26th day of  
December, 1978, by Councilmember Dunlap,  
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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1309

A RESOLUTION APPROVING ISSUANCE OF A PURCHASE ORDER TO JACK FORCADE PIPELINE CONTRACTING, INC. TO INSTALL A STORM DRAIN LINE AT MORTON BLVD. IN BEARD BROOK PARK

BE IT RESOLVED by the Council of the City of Modesto that a drain line is needed to control erosion of the easterly bank on Morton Boulevard adjacent to Beard Brook Park.

BE IT FURTHER RESOLVED that installation of a storm drain line at Morton Boulevard in Beard Brook Park by Jack Forcade Pipeline Contracting, Inc., at a total cost of \$4,855.75, is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap , 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyie*  
NORRINE COYIE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1310

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEAGUE OF WOMEN VOTERS FOR RENTAL OF ROOM 104 IN THE MODESTO COMMUNITY SERVICE CENTER**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and the League of Women Voters

for rental of Room 104 in the Modesto Community Service 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 26th day of December, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1311

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND HEAD REST, INC. FOR RENTAL OF ROOMS 206 AND 207 IN THE MODESTO COMMUNITY SERVICE CENTER**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Head Rest, Inc. for rental of rooms 206 and 207 in the Modesto Community Service 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 26th day of December, 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger, Siefkin

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1312

A RESOLUTION APPROVING THE FINAL MAP OF THE  
SHELDON ESTATES  
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Harry W. Elliott and Inez Lorraine Elliott, husband and wife,  
Carl E. Cox and Patricia L. Cox, husband and wife

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~~is~~ (are) possessed of a tract of land situate in the City of Modesto,  
County of Stanislaus, consisting of 1.622 acres, known as the  
Sheldon Estates Subdivision, and

WHEREAS, a tentative map of said tract was approved by the  
Planning Commission of the City of Modesto on the 6th day of  
September, 1977, 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 Sheldon Estates  
Subdivision meets all of the provisions of the California Subdivision  
Map Act and the provisions of the Modesto Municipal Code relating to  
subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of  
Modesto that said final map be approved; that the streets, alleys and

easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid, and subdividers have furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers as required by Section 4-4.604 (c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, who moved its adoption, which motion being duly seconded by Council-

member Lang, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1313

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND LEROY AND FLORENCE HEMPLE FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 960 EMERALD AVENUE**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto that the agreement between the City of Modesto and Leroy and Florence Hemple

**for** sewer service to property outside City limits at 960 Emerald Avenue, located on the west side of Emerald Avenue, between Kansas Avenue and U.S. 99 Freeway  
**be, and it is hereby approved.**

**BE IT FURTHER RESOLVED** that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger, Siefkin

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1314

**A RESOLUTION APPROVING AGREEMENT BETWEEN THE CITY OF MODESTO AND  
MACIVER ASSOCIATES TO PREPARE AN ECONOMIC ANALYSIS/FEASIBILITY  
STUDY OF DOWNTOWN MODESTO**

**BE IT HEREBY RESOLVED** by the Council of the City of Modesto  
that the agreement between the City of Modesto and MacIver Associates

**for** an economic analysis/feasibility study of Downtown Modesto to  
satisfy requirement stated by E.D.A. as necessary before any com-  
mitment by E.D.A. is made to the City (regarding downtown multi-level  
parking facility)  
**be, and it is hereby approved.**

**BE IT FURTHER RESOLVED** that the execution of said agreement  
by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting  
of the Council of the City of Modesto held on the 26th day of  
December, 19 78, by Councilmember Dunlap,  
who moved its adoption, which motion being duly seconded by Council-  
member Lang, was upon roll call carried and the resolu-  
tion adopted by the following vote:

**AYES:** Councilmembers: Dunlap, Elliott, Lang, Mayor Davies

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Kullijian, Mensinger, Siefkin

**ATTEST:** Norrine Coyle  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1315

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 7-3-9 OF THE ZONING MAP (JAMES D. HAUB)

WHEREAS, the Modesto City Planning Commission held a public hearing on December 12, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 7-3-9 of the Zoning Map, to rezone from R-1 to R-2 property located on the north side of Standiford Avenue west of Shawnee Drive

the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-246 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 7-3-9 of the Zoning Map be set for January 16, 1979, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Morrine Coyle*  
MORRINE COYLE, City Clerk

All that portion of the Northwest quarter of Section 7, Township 3 South, Range 9 East, M.D.B.&M., Stanislaus County, California, and bounded and particularly described as follows, to wit:

COMMENCING at the Northeast corner of Knapp Tract according to the Map thereof on file in the office of the County Recorder of Stanislaus County and running thence North 39.93 feet to the North line of a County Road (Standiford Road) thence West along said North line of County Road a distance of 1300.20 feet to the Southwest corner of the land of U. R. Bellocchi and the point of beginning; thence North 115 feet; thence at right angles West 66 feet; thence at right angles South 115 feet to the North line of said County Road; thence East along the North line of said County Road 66 feet to the point of beginning.

INCLUDING ALSO the northerly 20 feet of Standiford Avenue immediately adjacent to the above described property.

SCHEDULE "A"  
12/26/78  
JAMES D. HAUB

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1316

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 22-3-9 OF THE ZONING MAP (MARION AND HELEN RAMPLEY)

WHEREAS, the Modesto City Planning Commission held a public hearing on December 12, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 22-3-9 of the Zoning Map to rezone from R-1 to P-0, property located on the east side of Coffee Road south of Briggsmore Avenue

the following described property:

All that portion of Section 22, Township 3 South, Range 9 East, of the M.D.B&M., described as follows:

All of Lot 3 in Block 1212 as shown on the map thereof filed in Volume 14 of Maps, at page 9, in the Stanislaus County Records, including also all that portion of Coffee Road situated between the west line of said Lot 3 and the west line of said Section 22.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-247 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 22-3-9 of the Zoning Map be set for January 23, 1979, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1317

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 19-3-9 OF THE ZONING MAP (U.Z. BRANNON)

WHEREAS, the Modesto City Planning Commission held a public hearing on December 12, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 19-3-9 of the Zoning Map, to rezone from R-2 and R-3 to P-0 property located on the southwest corner of W. Orangeburg Avenue and Martin Avenue

the following described property:

SEE SCHEDULE "A"

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-244 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 19-3-9 of the Zoning Map be set for January 16, 1979, at 4:00 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

All that portion of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

R-2 to P-0

The Easterly 100.00 feet of Parcel 1 and 2 as shown on the map filed in Book 27 of Parcel Maps at Page 64 in the Stanislaus County Records including all of Martin Avenue, a 60.00 foot street immediately adjacent to said Parcels 1 and 2.

Including also the southerly 40 feet West Orangeburg Avenue immediately adjacent to the above described property.

R-3 to P-0

The Westerly 65.30 feet of Parcels 1 and 2 as shown on the map filed in Book 27 of Parcel Maps at Page 64 in the Stanislaus County Records and including the Southerly 40.00 feet of West Orangeburg Avenue immediately adjacent to said Parcel 1.

SCHEDULE "A"  
12/26/78  
U.Z. BRANNON

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1318

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE COUNCIL OF THE CITY OF MODESTO ON A PROPOSED AMENDMENT TO SECTION 20-3-9 (LAND BANK FINANCIAL SERVICES)

WHEREAS, the Modesto City Planning Commission held a public hearing on December 12, 1978, in the Council Chambers, City Hall, for the purpose of considering an amendment to Section 20-3-9 of the Zoning Map, to rezone from R-1 to R-2, property located on the north side of W. Roseburg Avenue, east of Tully Road  
the following described property:

All that property situated in the State of California, County of Stanislaus, described as follows:

The East 87.5 feet of the East 264.0 feet of the south half of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

and

Whereas, the said Planning Commission after hearing evidence both oral and documentary on the proposed amendment, adopted Resolution No. 78-242 recommending to the Council that rezoning of the property described above is required by public necessity, convenience and general welfare;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a public hearing on the proposed amendment to Section 20-3-9 of the Zoning Map be set for January 23, 1979, at 7:30 p.m., in the Council Chambers, City Hall, 801 11th Street, Modesto, California, to consider the proposed rezoning as recommended by the Modesto City Planning Commission.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December 19 78, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyia*  
NORRINE COYIA, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1319

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$2,800 FROM GENERAL RESERVE TO CITY HALL MAINTENANCE AND REPAIR ACCOUNT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Reserve (60 800 101)	\$2,800
TO:	Maintenance and Repair/ Buildings and Grounds (224 550 101)	\$2,800

Account has been depleted due to unexpected major expenses. Funds are needed to purchase necessary supplies for the remainder of the fiscal year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST:

  
NORRINE COYLE, City Clerk

MODESTO CITY COUNCIL  
RESOLUTION NO. 78-1320

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF \$180,000 FROM THE GENERAL RESERVE OF SEWER SERVICE FUND TO THE EXTEND SUBTRUNK/PERIMETER SEWERS ACCOUNT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM:	General Reserve (60 300 212)	\$180,000
TO:	Extend Subtrunk/ Perimeter Sewers (6561 212)	\$180,000

Money budgeted was an allowance. It was anticipated that additional funds would be requested mid-year.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1978, by Councilmember Dunlap, 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: Dunlap, Elliott, Lang, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Kullijian, Mensinger, Siefkin

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk