

CITY COUNCIL MEETING  
OCTOBER 14, 1987

CAREY DEVELOPMENT  
REQUESTS TO BE  
RELIEVED FROM THE  
EFFECTS OF CITY  
OF LODI RESOLUTION  
NO. 86-152, THE  
NEW CITY SEWER  
FEE SCHEDULE

CC-6  
CC-44  
CC-51(a)  
CC-56

City Clerk Reimche presented the following letter which had been received from A. Bryce Carey, representing Carey Development Company and Mr. and Mrs. Bryce Carey:

"I would like to respectfully request to be placed on the upcoming City Council meeting agenda for relief from the effects of City Council's Resolution #86-112, (NOTE: the correct Resolution Number is 86-152) the new city sewer fee schedule.

The effect of this resolution will increase by approximately \$100,000 the costs to Carey Development Company and Mr. and Mrs. A. Bryce Carey, owners of Woodlake Plaza shopping center, 2401 West Turner Road. The added cost will cause the owners an extreme hardship in cash flow that was not anticipated nor included in financing arrangements.

On November 5, 1986, the City Council passed the following motion modifying the application of Resolution #86-112: "...authorized the application of the City's previous sewer connection fee schedule in those situations where "shell" structures were constructed or under construction, prior to October, 1986."

I respectfully feel our project qualified under the situations referred to in this motion.

Following is a synopsis of various facts pertaining to this matter:

- July, 1986                      Financing for the shopping center arranged.
- August 4, 1986                Carey Development applied for the building permit
- August 29, 1986               Building Department approved underground plans, but did not release them to Carey Development until September 30, 1986.
- September, 1986               Surveying and staking done by Baumbach and Piazza (civil engineers).

September 30, 1986 Plans and underground requirements returned by City to Carey Development.

October 20, 1986 Started construction of underground site work on project.

October 31, 1986 Plan check completed by Planning Department

November 5, 1986 New sewer fee resolution approved by City Council retroactive to October 1, 1986.

December 2, 1986 Plan check by Fire Department approved and building permit issued.

We request the City Council amend their motion of November 5, 1986, to authorize application of the City's previous sewer connection fee schedule in those situations where projects had plans in for permit, or to otherwise exempt Woodlake Plaza from the new sewer fee schedule, for the following reasons:

1) Permits for the shopping center had been applied for 56 days prior to October 1, 1986. Had the Building Department been able to process the application in a more timely fashion, or not delayed an additional month in notifying Carey Development of its approval of the underground site work, construction would have been much further advanced. At least one month's delay was caused by the Building Department.

2) Albeit a "fine line interpretation," construction in the form of surveying and staking by the civil engineers did, in fact, begin prior to October 1, 1986.

3) Financing for the project had been arranged prior to Resolution #86-112 and unanticipated additional costs in excess of \$100,000 represent an undue financial hardship to the owners.

Thank you for your attention to this matter. I will be in attendance at the meeting for your questions; however, if you need additional information prior to that time, please do not hesitate to contact me.

Sincerely,

s/A. Bryce Carey, representing  
CAREY DEVELOPMENT COMPANY  
and MR. AND MRS. A. BRYCE CAREY"

A lengthy discussion followed with questions being directed to Staff.

On motion of Council Member Reid, Snider second, Council by the following vote, determined that the old sanitary sewer fees would apply to all persons who had applied for a Building Permit prior to October 1, 1986. (Council implemented a new sewer fee October 1, 1986 with the adoption of Resolution No. 86-152)

Ayes: Council Members - Pinkerton, Reid, Snider,  
and Olson (Mayor)

Noes: Council Members - Hinchman

Absent: Council Members - None

Council Member Pinkerton asked that the record show that when the Woodbridge School comes into the City, it's to pay the appropriate fees.

CAREY  
DEVELOPMENT

RECEIVED

1987 OCT -1 AM 9 29

ALICE H. REIMCHE  
CITY CLERK  
CITY OF LODI

September 30, 1987

Lodi City Council  
& Alice Reimche, City Clerk  
City of Lodi  
221 W. Pine Street  
Lodi, CA 95241-1910

To the Members of the City Council:

I would like to respectfully request to be placed on the upcoming City Council meeting agenda for relief from the effects of City Council's Resolution #86-112, the new city sewer fee schedule.

The effect of this resolution will increase by approximately \$100,000 the costs to Carey Development Company and Mr. and Mrs. A. & Mrs. Carey, owners of Woodlake Plaza shopping center, 2401 W. Lodi Road. The added cost will cause the owners an extreme hardship in cash flow that was not anticipated nor included in financing arrangements.

On November 5, 1986, the City Council passed the following motion modifying the application of Resolution #86-112: "...authorized the application of the City's previous sewer connection fee schedule in those situations where "shell" structures were constructed or under construction, prior to October, 1986."

I respectfully feel our project qualifies under the situations referred to in this motion.

Following is a synopsis of various facts pertaining to this matter:

- |                 |   |
|-----------------|---|
| July, 1986      | Financing for the shopping center arranged.   |
| August 4, 1986  | Carey Development applied for the building permit.  |
| August 29, 1986 | Building Department approved underground plans, but did not release them to Carey Development until September 30, 1986. |

2575 Grand Canal Blvd.  
Suite 301  
Stockton, California 95207

209 478-9280

Members of the City Council  
September 30, 1987  
Page Two

September, 1986      Surveying and staking done by Baumbach  
and Piazza (civil engineers).

September 30, 1986   Plans and underground requirements  
returned by City to Carey Development.

October 20, 1986      Started construction of underground  
site work on project.

October 31, 1986      Plan check completed by Planning Department.

November 5, 1986      New sewer fee resolution approved by City  
Council retroactive to October 1, 1986.

December 2, 1985      Plan check by Fire Department approved and  
building permit issued.

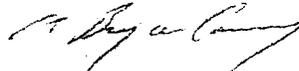
We request the City Council amend their motion of November 5, 1986, to authorize application of the City's previous sewer connection fee schedule in those situations where projects had plans in for permit, or to otherwise exempt Woodlake Plaza from the new sewer fee schedule, for the following reasons:

- 1) Permits for the shopping center had been applied for 56 days prior to October 1, 1986. Had the Building Department been able to process the application in a more timely fashion, or not delayed an additional month in notifying Carey Development of its approval of the underground site work, construction would have been much further advanced. At least one month's delay was caused by the Building Department.
- 2) Albeit a "fine line interpretation," construction in the form of surveying and staking by the civil engineers did, in fact, begin prior to October 1, 1986.
- 3) Financing for the project had been arranged prior to Resolution #86-112 and unanticipated additional costs in excess of \$100,000 represent an undue financial hardship to the owners.

Members of the City Council  
September 30, 1987  
Page Three

Thank you for your attention to this matter. I will be in attendance at the meeting for your questions; however, if you need additional information prior to that time, please do not hesitate to contact me.

Sincerely,



A. Bryce Carey, representing  
CAREY DEVELOPMENT COMPANY  
and MR. AND MRS. A. BRYCE CAREY

ABC:alt

*City Clerk*

RECEIVED  
1987 OCT 12 PM 4 48  
ALICE N. REINCHE  
CITY CLERK  
CITY OF LODI

MEMORANDUM

TO: The Honorable Mayor and  
Members of the City Council

*g* FROM: City Manager

DATE: October 8, 1987

SUBJ: Carey Commercial Development

The agenda packet for the regular adjourned meeting of Wednesday, October 14, 1987 contains under "Communications" a letter from Mr. A. Bryce Carey appealing a staff decision regarding the application of the City's new sanitary sewer fees to his commercial project on the northeast corner of West Turner and Lower Sacramento roads.

At the regular City Council meeting of November 5, 1986, the City Council took action to apply the previous sewer fee schedule "in those situations where 'shell' structures were constructed or under construction prior to October 1986." In Mr. Carey's case, the building was not under construction nor had a building permit been issued prior to the October 1 date.

Mr. Carey's request is that the City amend the motion of November 5, 1986 "to authorize application of the City's previous sewer connection fee schedule in those situations where projects had plans in for permit." He also cites alternate reasons supporting his request for exemption.

Mr. Carey has presented in his letter a chronology of events from his point of view. For the City Council's information, the appropriate dates from the City's files on this project are:

- . August 8, 1986 - Application for building permit and plans submitted.
- . August 12, 1986 - Plans distributed for review.
- . August 13, 1986 - Plan check bill sent.
- . August 26, 1986 - Plan check fee paid.

The Honorable Mayor and  
Members of the City Council  
October 8, 1987  
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- . September 12, 1986 - Letter sent by Public Works Director to Mr. Carey (owner) requesting development fees and execution of a deed for required right-of-way.
- . September 17, 1986 - Deed returned by owner.
- . September 30, 1986 - Fees paid by owner.
- . September 30, 1986 - Plans returned to owner including request for structural plan check; letter from Fire Department regarding on-site fire protection requirements.
- . October 1, 1986 - City Council implemented new sewer fees.
- . October 28, 1986 - Response from owner's structural engineer.
- . October 29, 1986 - Received remainder of plans from owner.
- . October 30, 1986 - City approved structural plans.
- . October 30, 1986 - Advised owner building permit is ready for issuance upon meeting Fire Department requirements.
- . November 3, 1986 - Installation of fire line completed.
- . December 2, 1986 - Owner came in for building permit.

Attached for the City Council's review are copies of the correspondence generated by this matter. The staff will be pleased to answer any questions Councilmembers may have.

TAP:br

Attachments

TXTA.07A COUNC267

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
JAMES W. PINKERTON, Jr.  
FRED M. REID

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
CALL BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
TELECOPIER : (209) 333-6795

THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RONALD M. STEIN  
City Attorney

October 2, 1987

Mr. Scott Carey  
Carey Development  
2575 Grand Canal Blvd., #301  
Stockton, CA 95207

Dear Scott:

Pursuant to our telephone conversation a few days ago, I am writing this letter to reaffirm the contents of my letter of July 10, 1987, a copy of which is attached. I have met again with the Public Works Director and the Community Development Director to review the chronology of events that occurred concerning your commercial development project at the intersection of Turner and Lower Sacramento roads.

This meeting produced nothing new in the way of information which would lead me to conclude anything different than that presented in the attached letter. As I mentioned in our last telephone conversation, you may, of course, appeal this staff decision to the City Council.

Sincerely,



Thomas A. Peterson  
City Manager

TAP:br

Attachment

TXTA.07A CMLTR145

File

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
JAMES W. PINKERTON, Jr.  
FRED M. REID

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THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RONALD M. STEIN  
City Attorney

July 10, 1987

Mr. Brice Carey  
Carey Development  
2575 Grand Canal Blvd., #301  
Stockton, CA 95207

Dear Brice:

You recently met with Public Works Director Jack Ronsko and me for the purpose of reviewing the sewer connection fees being assessed on your commercial development project at the intersection of Turner and Lower Sacramento roads. At that meeting you requested of the City that consideration be given to charging those sewer connection fees in place prior to October 1, 1986 on which date the new and higher connection fee schedule became effective by action of the City Council.

We find in reviewing the schedule of your project, that it moved through the process of plan checking and other related reviews with a speed consistent with most commercial and industrial development proposals. You requested a building permit for this project on December 2, 1986, two months after the new schedule became effective. Accordingly, the staff has no alternative other than to apply the sewer connection fee schedule in effect on that date.

We are sympathetic to your position and understand your desire to have the former sewer connection fee schedule applied to your project. Unfortunately, I must deny that request.

We very much appreciate your continued interest in the City of Lodi and the quality projects with which you are associated.

Sincerely,



Thomas A. Peterson  
City Manager

TAP:br

cc: Community Development Director  
Public Works Director  
City Council

CITY COUNCIL

EVELYN M. OLSON, Mayor  
JOHN R. (Randy) SNIDER  
Mayor Pro Tempore  
DAVID M. HINCHMAN  
JAMES W. PINKERTON, Jr.  
FRED M. REID

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
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LODI, CALIFORNIA 95241-1910  
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TELECOPIER (209) 333-6795

*File*

THOMAS A. PETERSON  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RONALD M. STEIN  
City Attorney

July 17, 1987

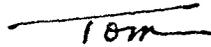
Mr. A. Bryce Carey  
2575 Grand Canal Blvd.  
Suite 301  
Stockton, CA 95207

Dear Bryce:

Thank you for your response to my letter concerning the application of the sanitary sewer fee schedule to your commercial development at the intersection of Turner Road and Woodhaven Lane. I note that the Community Development Director and the Public Works Director both have received copies.

The Community Development Director will be out of the office Monday and Tuesday (July 20 and 21), and I will be out of the office the balance of that week. I will discuss this matter again with both of these individuals early in the week of July 27, and I'll get back to you immediately after that meeting.

Sincerely,



Thomas A. Peterson  
City Manager

TAP:br

cc: Community Development Director  
Public Works Director  
City Council

TXTA.07A CMLTRO39

JUL 17 '87  
City Manager's Office

July 15, 1987

Mr. Thomas A. Peterson  
City Manager  
City of Lodi  
221 West Pine Street  
Lodi, CA 95241-1910

Dear Tom:

This letter is in response to your letter dated July 10, 1987, regarding my request to have the old sewer fee schedule apply to the shopping center I own at 2401 W. Turner Road, intersection of Turner Road and Woodhaven Lane.

In the letter, you stated that you denied my request because we did not request a building permit for the project until December 2, 1986. That is not correct. We applied for the building permit on August 4, 1986. Mr. Ronsko stated that your files indicate that we did not apply for the permit until, I believe, August 6. He also stated in the meeting we had with you on June 16, 1987, that the plans for the underground work were approved by the later part of August, but we were not informed of this until on or about October 1. We then started our underground work during the month of October 1986.

In reading the City Council minutes of November 5, 1986, the City Council approved the following resolution:

"Authorized the application of the City's previous sewer connection fee schedule to those situations where shell structures were constructed or under construction prior to October 1986."

If we had been advised by the City on a timely basis, we would have started our underground during the month of September, not October.

As I stated to you previously, I already have my loan in place and it is under the old sewer fee schedule. If the new schedule

2575 Grand Canal Blvd.  
Suite 301  
Stockton, California 95207

209 478-9285

Mr. Thomas A. Peterson  
July 15, 1987  
Page Two

applies to the tenant infills, I will need to fund in excess of \$100,000 in extra costs for sewer fees alone on this project. Due to the fact we were delayed in getting started because the City did not inform us they had approved the underground work and, also, due to the fact the decision was retroactive from November 5 to October 1 and we started construction during that time period, I again request this project (Woodlake Plaza) have the previous sewer connection fee schedule applied to the tenant infills. If you do not concur with this request, I would like to request a public hearing with the City Council at the earliest possible opportunity.

If you have any questions in regard to this matter, please do not hesitate to call.

Sincerely,



A. Bryce Garey  
President

ABC:alt

cc: Community Development Director  
Public Works Director  
City Council