

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, AUGUST 6, 1997
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Land, Mann, Sieglock, Warner and Pennino (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Community Development Director Bartlam, City Engineer Prima, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor David Hill, Grace Presbyterian Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

a) Mayor Pennino presented a proclamation to Dave Hildebrand, President of the Lodi Chapter of Habitat for Humanity of San Joaquin County, Inc., recognizing this most important organization and its good work in the Community.

b) Mayor Pennino presented plaques to the following T.O.P.P.S. (Targeted Opportunities to Prevent Pollution in San Joaquin County) 1996 Award for Excellence in Pollution Prevention Recipients:

- Jim Schweickardt, Director of Human Resources, **Pacific Coast Producers** in the category of Air; and
- Brad Alderson, General Manager, **Mondavi Winery** in the category of Land.

c) Mayor Pennino and Sharon Likely of Hospice of San Joaquin presented Certificates recognizing the following City employees for arranging the 1996 Tree of Lights:

- Barbara Reed, Secretary to the City Manager;
- Charlene Lange, Community Center Director; and
- the following employees of the City of Lodi Electric Utility Department

Rich Willette
Gale Rees
Mark Olkowski
John Vanderjack
Dan Ferguson
Park Johnson
Tim Bogetti
Rod Brown
Robert Aadland

Continued August 6, 1997

- d) Chief of Police Larry Hansen introduced the graduates of the eighth Partners Academy and gave a brief presentation on the individual participants. Chief Hansen and Mayor Pennino acknowledged the outstanding work of Police Volunteer Coordinator Jeanie Biskup in working with these groups.
-

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Mayor Pro Tempore Sieglock, Warner second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Register of Claims in the amount of \$1,438,255.04 (June in July) and Register of Claims in the amount of \$2,014,225.07; and Disbursement Through Wire Transfer in the amount of \$224,400.45;(June in July) were approved.
FILE NO. CC-21(a)
- b) The minutes of July 16, 1997 (Regular Meeting) and July 29, 1997 (Special Meeting) were approved as written.
- c) Adopted Resolution No. 97-103 - A Resolution of the Lodi City Council Authorizing Destruction of Certain Records Retained by the City Clerk's Office.
FILE NO. CC-162
- d) Approved the plans and specifications and authorized advertising for bids thereon for Blakely Park Fence Project.
FILE NO. CC-12.1(c)
- e) Approved the plans and specifications and authorized advertising for bids thereon for Kofu Park Ramp and Handrail Project.
FILE NO. CC-12.1(c)
- f) Approved the plans and specifications and authorized advertising for bids thereon for Tennis Court Resurfacing Project (Legion and Kofu Parks).
FILE NO. CC-12.1(c)
- g) Approved the plans and specifications and authorized advertising for bids thereon for White Slough Water Pollution Control Facility Sludge Lagoon Biosolid Removal.
FILE NO. CC-12.1(c)
- h) Approved the plans and specifications and authorized the advertising for bids thereon for White Slough Water Pollution Control Facility Holding Pond No. 4 Embankment Rehabilitation.
FILE NO. CC-12.1(c)
- i) Approved the specifications and authorized the advertising for bids thereon for Watthour Meters.
FILE NO. CC-12.1(c)
- j) Set a Public Hearing for September 3, 1997 to consider request from Gordon B. Roget, M.D., for waiver of Development Impact Mitigation Fees for Parks and Recreation Facilities for 409, 511, 519, and 527 South Orange Avenue.
FILE NO. CC-56

Continued August 6, 1997

- k) Adopted Resolution No. 97-104 - A Resolution of the Lodi City Council Approving the Sole Source Purchase of Telephone Switch Software Upgrade for Municipal Service Center (MSC), and Appropriating Funds from the General Fund Capital Budget to Cover this Project.
FILE NO. CC-12(d)
- l) Adopted Resolution No. 97-105 - A Resolution of the Lodi City Council Awarding the Bid for the Purchase of Vibratory Roller with Tandem Trailer for Street Division and Appropriating Funds to cover this Project.
FILE NO. CC-12(d)
- m) Adopted Resolution No. 97-106 - A Resolution of the Lodi City Council Awarding the Contract for the Purchase of One-Ton Dump Truck for Street Division and Appropriating Funds to Cover this Project.
FILE NO. CC-12(d)
- n) Adopted Resolution No. 97-107 - A Resolution of the Lodi City Council Awarding the Contract for the Purchase of One-Ton Pickup Truck with Utility Bed for Street and Water/Wastewater Divisions and Appropriating Funds to Cover this Project.
FILE NO. CC-12(d)
- o) Agenda item No. E-15 entitled, "Participation in California Department of General Services (CMAS) Contracts for Purchase of Desktop Computers" was removed from the Consent Calendar and discussed and acted upon at another point on the agenda.
- p) Adopted Resolution No. 97-109 - A Resolution of the Lodi City Council Awarding the Bid for the Purchase of Forty-Two Padmount Transformers.
FILE NO. CC-12(d)
- q) Adopted Resolution No. 97-110 - A Resolution of the Lodi City Council Awarding the Bid for the Purchase of Eight Polemount Transformers.
FILE NO. CC-12(d)
- r) Agenda item No. E-18 entitled, "Equipment Purchase - Salas Park Sports Area Lighting Project (\$18,748.50)" was removed from the Consent Calendar and was discussed and acted upon at another point on the agenda.
- s) Received a report regarding the Contract Change Orders for Well 4R Water Storage Tank and Pump Station Project, 1215 Thurman Street.
FILE NO. CC-12(c)
- t) Received a report regarding Contract Change Orders for Central City Revitalization Improvement Project, Downtown and Cherokee Lane.
FILE NO. CC-12(c)
- u) Adopted Resolution No. 97-112 - A Resolution of the Lodi City Council Approving the Conversion from Yield Signs to Stop Signs on Mission Street at Washington Street and on Laurel Avenue at Lake Home Drive, and Thereby Amending Traffic Resolution No. 87-163, Section 2(C).
FILE NO. CC 48(h)
- v) Agenda item No. E-22 entitled, " 'No Parking' on Century Boulevard West of Ham Lane, 195 feet on South Side" was removed from the Consent Calendar, and was discussed and acted upon at another point on the agenda.

Continued August 6, 1997

- w) Adopted Resolution No. 97-114 - A Resolution of the Lodi City Council Approving the City of Lodi's 1996/97 Transportation Development Act Claim for Local Transportation Funds.
FILE NO. CC-50(a)
FILE NO. CC-50(b)
- x) Agenda item No. E-24 entitled, "Purchase of DAVE Transportation Services, Inc. by Laidlaw Transit Services, Inc." was removed from the Consent Calendar and was discussed and acted upon at another point on the agenda.
- y) Adopted Resolution No. 97-115 - A Resolution of the Lodi City Council Approving Amended Salary Range for Accounting Manager.
FILE NO. CC-34
- z) Agenda item No. E-26 entitled, "Approve Resolution on Safety Disability Retirement Procedure and Rescinding No. 92-179" was removed from the agenda.
- a.1) Adopted Resolution No. 97-117 - A Resolution of the Lodi City Council Authorizing the Lodi Police Department to Enter into an Agreement with San Joaquin County to Provide Data Processing Services for Fiscal Year 1997-98.
FILE NO. CC-7(b)
- a.2) Accepted the quarterly report of the City of Lodi pooled money investment account as required by SB564.
FILE NO. CC-21(a)
- a.3) Adopted Resolution No. 97-118 - A Resolution of the Lodi City Council Approving Contract with Lampe Engineering for Design Work on Fallen Tree Removal, Mokelumne River and City Properties.
FILE NO. CC-12(a)
- a.4) Approved the encroachment permit and hold harmless agreement for 1145 North Junewood Drive, and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
FILE NO. CC-27(a)
- a.5) Authorized the City Manager and City Clerk to execute the right-of-way agreement for 211 South Hutchins Street and appropriated street funds to pay for this acquisition and title costs.
FILE NO. CC-27(a)
- a.6) Agenda item No. E-32 entitled, "Acquisition of Additional Land at Pixley Park" was removed from the Consent Calendar and was discussed and acted upon at another point on the agenda.

6. ITEMS REMOVED FROM CONSENT CALENDAR:

- a) Agenda item No. E-15 entitled, "Participation in California Department of General Services (CMAS) Contracts for Purchase of Desktop Computers" was introduced. Following discussion, the City Manager advised that regular reports would be provided to the City Council on purchases made pursuant to this Resolution.

On motion of Mayor Pro Tempore Sieglock, Land second, the City Council adopted Resolution No. 97-109 - A Resolution of the Lodi City Council Authorizing Staff to Purchase Desktop Computers Budgeted for 1997-1999 in Aggregate Amounts of \$15,000 or Less Under California Department of General Services California Multiple Award Schedule (CMAS) Contracts.
FILE NO. CC-12(d)

- b) Agenda item No. E-18 entitled, "Equipment Purchase - Salas Park Sports Area Lighting Project (\$18,748.50)" was introduced. Staff responded to questions regarding this project and this funding source. The City Council, on motion of Mayor Pro Tempore Sieglock, Warner second, adopted Resolution No. 97-111 - A Resolution of the Lodi City Council Authorizing the Purchase of Sports Lighting Equipment for Salas Park Sports Area.
FILE NO. CC-12(d)

- c) Agenda item No. E-22 entitled, " 'No Parking' on Century Boulevard West of Ham Lane, 195 Feet on South Side" which had been removed from the Consent Calendar was introduced. Following discussion, on motion of Mayor Pennino, Warner second, the City Council adopted Resolution No. 97-113 - A Resolution of the Lodi City Council Approving the Installation of a No Parking Zone on the South Side of Century Boulevard from 145 Feet West of Ham Lane to Ham Lane. Originally this was designated as 195 feet; however, in this motion the City Council requested that the "No Parking" zone be made as short as possible. The motion carried by the following vote:

Ayes: Council Members - Land, Warner, and Pennino (Mayor)
Noes: Council Members - Mann and Sieglock
Absent: Council Members - None
FILE NO. CC-49(e)

- d) Agenda item No. E-24 entitled, "Purchase of DAVE Transportation Services, Inc. by Laidlaw Transit Services, Inc." which had been removed from the Consent Calendar was introduced. Council Member Mann indicated that he would not be voting on this matter because of a possible conflict of interest and was informed that this was an "information" item only. Mayor Pro Tempore Sieglock indicated that he would like a report from staff on any ramifications there may be relating to the City regarding this sale and to look into what rights or recourse the City would have if it were not satisfied with the service provided by the new owners.
FILE NO. CC-50(b)

- e) Agenda Item No. E-26 entitled, "Approve Resolution on Safety Disability Retirement Procedure and Rescinding No. 92-179" was removed from the agenda.
FILE NO. CC-34

- f) Agenda item No. E-32 entitled, "Acquisition of Additional Land at Pixley Park" was introduced by staff. The City Council was advised that the City's Park, Recreation and Open Space Plan, adopted in January 1994, calls for the expansion of Pixley Park to allow room for an adult softball complex along with soccer fields, tennis courts, concession buildings and restrooms. The 26-acre site presently consists of a partially developed drainage basin and the Tokay Modelers radio control airplane field. The expansion called for in the Plan consists of an additional 17.7 acres, which would allow the site to be graded in a stepped fashion such that some of the fields would not be subject to flooding with every storm. Funding for the basin/park development is from storm and parks development impact mitigation fees.

In late July 1997, staff received a preliminary industrial development proposal for the property immediately east of the basin along Vine Street extending to Guild Avenue. The project consisted of two industrial/warehouse buildings with parking and small office space. The developer (who also built the warehouse project immediately east of Guild Avenue)

had one firm user and the other building was being built on speculation. The proposed site layout had some design issues that needed to be addressed which meant a redesign and, in discussing the project with the developer, the park issue was brought up.

Obviously, acquiring the full 17.7 acres would be fatal to the industrial project. Staff did not consider this a viable option. Community Development, Public Works and Parks and Recreation departments' staffs worked on a minimal acquisition that would accommodate both the developer and the park plan. The reduced site would accommodate a 4-field softball complex similar to the Salas Park complex with the possibility of one or two fields near Beckman Road. Much of the grading flexibility mentioned above would be lost as well as some or all of the tennis courts. The model airplane field would also be eliminated, although this has already been contemplated. However, the multimillion dollar park/basin development is probably many years away.

With this site plan, the developer has indicated he will sell the City the needed land at the same price he pays for the parcel. Note that a portion of the expansion area is south of the proposed project on land owned by the same person.

If the acquisition is approved, funding for the land acquisition would come from the Parks Development Impact Mitigation Fee Fund at an approximate cost of \$250,000 for 5 acres. The fund presently has a balance of approximately \$1.3 million and no major projects are budgeted for this fiscal year, although there are a number of development-related projects that will need to be addressed in the near future. The basic issue to be considered is: Should the City potentially delay completion of other projects to preserve this land for long-term future park use? Other parks presently undeveloped include:

- Lodi Lake, west 13 acres
- DeBenedetti Park (future lighted youth sports fields at Lower Sacramento Road and Century Boulevard)
- Bridgetown Park on Turner Road west of Wine and Roses
- Roget Park on Tienda Drive east of Target

The combined cost of these parks, all slated for park impact fee funds, exceeds \$6,000,000—significantly more than the proposed Pixley Park acquisition.

Another issue regarding Pixley Park raised a few months ago was the idea of selling the Beckman Road/ Highway 99 frontage and relocating the basin/park further east. While no formal study has been done, staff has discussed the concept with various members of the industrial/commercial development community. Without specific details, little quantitative information was received. In general, as industrial land, this frontage is really not worth much more, if anything at all, to potential businesses. As commercial land located in an industrial area, (which might require a rezoning depending on the use), one comment was that it might be worth 5 percent more than land further east.

Of course, the City-owned land is somewhat devalued by the existing basin excavation. Also, the planned basin must be connected to the ditch located between Beckman Road and Highway 99 with a relatively large pipe. The cost for this connection would be at least \$100 per foot. For example, if the basin was moved 600 feet east to create a 9-acre parcel along Beckman Road with the same depth as Geweke Toyota, the pipe cost would be at least \$60,000, or \$0.16 per square foot. This is about 15 percent of the cost of the expansion land. We would need to sell the land for at least 15 percent more than the cost of the replacement land just to break even. Additional costs, such as sale closing, street and utility improvements, etc., would also have to be considered. Finally, the developer of the land east of the basin/park is not interested in such a trade.

Following additional conversations with Jim Verseput, the Realtor representing the property owners; the developer; the Parks Division; and action taken by the Parks and Recreation Commission on August 5, 1997, the City Council was further advised.

At issue for the property owners was approximately three acres of land immediately south of the existing site and proposed acquisition. The owners wished the City to acquire this land so as to not leave a less desirable remainder. Staff reviewed this request and the Parks Superintendent confirmed that the additional acreage could be used for a softball field. Two additional fields could be provided in the soccer area adjacent to Beckman Road.

In order to make this plan work, the new east property line will need to be made parallel to the existing property line, rather than perpendicular to Vine Street as originally proposed by the developer. The developer has indicated he will work with the City on this change.

Parks and Recreation Commission

On August 5, the Parks and Recreation Commission discussed this acquisition and recommended that it not be made. There were concerns over the amount of undeveloped park land being accumulated and that the acreage was not sufficient to provide the facilities contemplated for the site. Given this recommendation, staff recommended that the acquisition not be pursued and that the Parks and Recreation Commission review the entire master plan.

Various exhibits were presented for the City Council's review.

A lengthy discussion followed regarding the matter with questions being directed to staff.

Parks and Recreation Commission Chairman Bob Johnson addressed the City Council regarding the matter giving a brief overview of the discussion and action by the Commission regarding this subject.

On motion of Council Member Warner, Sieglock second, the City Council voted not to proceed with the purchase of additional land at Pixley Park and referred the matter back to staff.

FILE NO. CC-27(a)

FILE NO. CC-27(c)

7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider adoption of the California Fire Code - 1995 Edition.

Fire Chief Scott W. Kenley advised the City Council that the City's adoption of the Uniform Fire Code is an ongoing process driven by adoption of revisions at the State level. The State of California adopted the 1994 Uniform Fire Code with certain revisions, thus this code became known as the California Fire Code - 1995 Edition. The Uniform Fire Code - 1991 Edition is the present code adopted by the City of Lodi. The purpose of this public hearing is to present and recommend adoption of the California Fire Code - 1995 Edition. The proposed adoption of the California Fire Code - 1995 Edition is less restrictive than the present code adopted by the City of Lodi in that it significantly reduces the cost impact on existing buildings.

The Fire Chief further advised the City Council that the Uniform Building Code is one of the codes used by the City that is integrally involved in the application of the fire code. The Uniform Building Code has gone through a major rewrite with additional occupancy

types being established. At the code hearings, those voting to adopt the revisions elected not to make fire sprinkler systems a requirement based solely upon square footage, but gave consideration to building uses and processes. For approximately ten (10) years, the fire service has been creating local amendments to the fire code with regards to fire sprinklers. In that period, the Uniform Building Code and Uniform Fire Code have failed to require fire sprinklers for all occupancies based on square footage. The focus in the code has been on alerting occupants through the installation of fire alarm systems and not on property protection. The primary focus being life safety, not property conservation.

The City of Lodi presently has adopted a requirement to sprinkler any new building having a square footage of 6,000 square feet or greater (this would include residential). An exception has been made if the space is divided by a two (2) hour fire separation with no penetration. Additionally, the present code requires the installation of a fire sprinkler system in any remodeled building having an area of 6,000 square feet or larger when the remodel exceeds \$100,000 in building improvement costs.

The Fire Chief further stated that it was his understanding that this requirement, being more restrictive than State Code, has caused some concern in the community. In researching this issue, he feels that the issue centers more on the retrofit requirement than the new construction aspect of the code amendment. In discussion with the business community, they have stated that in this day and age, it is an accepted fact that most new commercial construction will require the installation of a fire sprinkler system. The Fire Chief stated that he understands the philosophy concerning existing buildings and concur with the negative impact this could have on the business community. However, he feels that it is his responsibility to minimize, as much as possible, the fire hazard to the community and follow the policies set forth in the City's adopted General Plan that promotes the installation of automatic interior sprinkler systems in all new developments.

Therefore, the proposed code brought before the City Council for adoption still contained a square footage requirement. However, it applies to new commercial construction and remodels of existing buildings that propose to add fifty percent (50%) additional square footage to the existing buildings. In addition the square footage requirements would not apply to residential construction.

Hearing Opened to the Public

1. There were no persons in the audience wishing to speak on the matter.

Public Portion of Hearing Closed

ACTION:

On motion of Council Member Warner, Land second, the City Council introduced Ordinance No. 1651 - An Ordinance Adopting the "California Fire Code, 1995 Edition" and the Appendixes I-C, II-A, II-B, II-C, II-D, II-E, III-A, III-C, III-D, IV-A, IV-B, V-A, VI-A, VI-B, VI-D Thereto, Which Code Provides Regulations Covering the conditions Hazardous to Life and Property From Fire or Explosions; Repealing Sections 15.20.010 Through 15.20.480 Inclusive of the Code of the City of Lodi and All Other Ordinances and Parts of Ordinances in Conflict Therewith. The motion carried by unanimous vote of the City Council.

FILE NO. CC-24(b)

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider the appeal of a Use Permit to allow the construction of a 36-unit apartment complex, at a density of 15 units per acre, to be located within Planned Development #24 at 2150 West Kettleman Lane.

Community Development Director Konradt Bartlam introduced the subject giving the City Council background information pertaining to this matter. Mr. Bartlam stated that staff's recommendation for denial of the appeal is based on several points. First, staff feels that the proposed apartments are a suitable use for this site. In part, this is because of the similarity of surrounding land uses. Directly adjacent on the south of the subject site is the existing "Fountains" apartment complex. On the west is the proposed Oakmont senior assisted living facility, and on the north across Kettleman Lane is the Holiday senior assisted living facility currently under construction. Mr. Bartlam indicated that the proposed apartments will be a good fit with these other residential uses.

Mr. Bartlam indicated that second, if this project is constructed, the City will still have an ample supply of vacant property for the development of offices. Currently there is approximately 50 acres or 550,000 square feet of buildable office space on Kettleman Lane between Lower Sacramento Road and the WID canal. Given previous construction activity, this would be in excess of a ten year's supply.

Thirdly, with all required mitigations as specified in the Negative Declaration, potential negative impacts can be reduced to less than significant levels. In fact, traffic generation rates for both daily trips and peak hour trips are less for the apartment project than for an office building. Adherence to SPARC requirements, Cal Trans standards, and other conditions of the resolution will yield a quality project.

Finally, Mr. Bartlam indicated that the issue before the City Council is the number of units, not the land use. The zoning currently allows 26 apartment units to be built at this location without any discretionary approval. Mr. Bartlam stated that it is staff's feeling that an additional 10 units will not create additional impacts. Therefore, staff recommends support of the Planning Commission's action by denying the appeal.

Further, Mr. Bartlam advised the City Council that the Planning Commission conducted a Public Hearing on this item on June 23, 1997. Staff's approved recommendations are embodied by Resolution No. 97-09. Among the required conditions are; that the project be subjected to review by the Site Plan and Architectural Review Committee; that all the mitigations identified in the Negative Declaration be completed to the satisfaction of the Community Development Director; and that all impact fees be paid as per Public Works requirements.

During the public comments portion of the meeting, the Commission heard complaints from several residents of Chaparral Court, a single-family cul-de-sac. Chaparral Court is to the west across Sylvan Way from the subject property. In addition, the Community Development Director received a letter from virtually all the residents on Chaparral Court opposing the project. These residents were strongly in favor of an office use at 2150 West Kettleman Lane. Specifically, some of the complaints were increased traffic on Kettleman Lane, increased crime, and safety of the new families, especially children, in the complex.

Also during the course of the meeting, the Commission heard opposition from Richard O. Wright of Wright Insurance Agency located at 2100 West Kettleman Lane. Mr. Wright's business is located east of the subject site. Mr. Wright's primary complaint is that a multi-family use is inappropriate at 2150 West Kettleman Lane and would adversely affect his

investment in his current office location. Mr. Wright made it clear that he wants to see office uses at 2150 West Kettleman Lane. The formal appeal, signed by Mr. Wright, was received on June 25, 1997.

Hearing Opened to the Public

1. James B. Schroeder, 2330 Cabrillo Circle, Lodi, Consultant for the Willdon Land Company, 2754 Country Club Court, Stockton, California addressed the City Council regarding the matter. He explained that after the 60-unit complex was declined in 1993, a development plan was prepared with an office condominium project placed upon the parcel. The plan was approved by SPARC and the Planning Commission and a package was submitted to every commercial Realtor and medical group within the area. No responses were received for the project. In the last three years, there has not been any inquiries regarding the use of the property as office-institutional. The Realtor reported that they have received 140 calls a year asking that the property be zoned to commercial. He pointed out that during the last two years, the Planning Commission has approved two projects on Kettleman Lane, both residential projects for the elderly.

Mr. Schroeder stated that he felt that the concern regarding traffic generated from the 36 unit complex was nothing compared to the future traffic that will be generated from other proposed developments on the four corners of Kettleman Lane and Lower Sacramento Road. He was agreeable to the conditions set forth in the resolution and was also agreeable to the condition that the project go forward through the Growth Allocation process.

2. Mrs. Carol Denton, 2207 Chapparel Court, Lodi addressed the City Council and presented petitions requesting that the City Council decline any zoning changes or use changes for the subject property. Mrs. Denton stated that the businesses and residences in the Kettleman corridor were built and purchased "IN GOOD FAITH" with the understanding that Lodi's "Master Plan" called for Office-Institutional.

Mrs. Denton talked about her concerns regarding increased traffic if apartments were allowed to be built in the area; her fears that the proposed second gated driveway on Kettleman Lane, will be a serious hazard for anyone entering or exiting the complex due to parked vehicles obstructing views and vehicles waiting to go through the gates. She also talked about parking problems, increased crime, etc. if this proposed apartment project was allowed to be constructed.

3. Mr. Roy Denton, 2207 Chaparral Court, Lodi spoke indicating his concern regarding testimony given at this Public Hearing and stated that he does not approve of the apartment complex being proposed for the sight.
4. Also addressing the City Council regarding the matter was Mr. Richard O. Wright, Wright Insurance Agency, 2100 West Kettleman Lane, Lodi. Mr. Wright stated that the proponents argued before the Lodi Planning Commission that the Developer has been unable to find an interested buyer or tenant for office or professional use. Mr. Wright said that he does not think that this is a valid reason to amend the intended use of property. He stated that shortly after they built their office in 1987 they noticed a dramatic slow down in construction. Real estate sales slumped. Only recently have they seen any significant recovery.

Mr. Wright further stated that he does not believe it is the responsibility of the City of Lodi to help the developer market his property and that he felt that there was no compelling reason to amend the use of this property.

Further, Mr. Wright stated that if an apartment building is constructed at that location, be it 10 units per acre or 15 acres per acre, it will make it even more difficult to attract office/professional occupancies immediately adjacent to that location, and that it should open the door for even more apartment projects being approved and a precedent will then be established.

Finally, Mr. Wright stated that the proponents advised the Planning Commission that traffic problems would not be an issue as Cal-Trans would be erecting a concrete divider which would only permit right turns onto Kettleman Lane from the south side of Kettleman. However, there is no time frame for that project and the Community Development Director has confirmed that it could be 10 years away.

Public Portion of Hearing Closed

ACTION:

Following discussion with questions being directed to staff, the City Council on motion of Mayor Pro Tempore Sieglock, Land second, granted the appeal and adopted Resolution No. 97-116 - A Resolution of the Lodi City Council Denying the Issuance of Use Permit No. U-97-03 Requested by James B. Schroeder on Behalf of Willdon Land Company. FILE NO. CC-54(b)

8. **RECESS:**

Mayor Pennino declared a five minute recess, and the City Council reconvened at approximately 8:40 p.m.

9. **COMMUNICATIONS (CITY CLERK)**

a) On recommendation of the City's Risk Manager and/or the City's Contract Administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Pro Tempore Sieglock, Warner second, rejected the following claims:

1. C. Russell Hayward Date of loss: 5/12/97
2. Pauline Meyer Date of loss: 5/15/97
3. William Moran Date of loss: 5/21/97
FILE NO. CC-4(c)

b) The following report was presented to the City Council:

1. Planning Commission report of July 28, 1997.
FILE NO. CC-35(c)

c) On motion of Mayor Pro Tempore Sieglock, Warner second, the City Council concurred with the Mayor's appointment of Council Member Land to serve on the East San Joaquin Parties Water Authority - Joint Power Authority and the San Joaquin County Flood Control and Water Conservation District Advisory Water Commission and the appointment of Public Works Director Jack Ronsko as an alternate to the Advisory Water Commission. FILE NO. CC-2(a)

- d) On motion of Council Member Mann, Warner second, the City Council concurred with the Mayor's appointment and reappointment of the following persons to the Greater Lodi Area Youth Commission for two year terms:

Julia Rough	Suzanne Radotic - reappointment
Charlie Tyler	Christina Wright - reappointment
FILE NO. CC-2(t)	

10. REGULAR CALENDAR

- a) Staff reminded the City Council that at its February 5, 1997 meeting, it had reviewed truck traffic concerns expressed via a petition from East Century Boulevard residents. As a result of that meeting, Council requested that businesses in the area be contacted to assess their feelings related to the restriction of large commercial vehicles on Century Boulevard between Stockton Street and Cherokee Lane. Since the February meeting, the City has received additional correspondence from East Century Boulevard residents related to the successful reduction in speeding vehicles due to police enforcement and requesting marked pedestrian crosswalks and information related to truck travel.

Results of the survey were presented by staff, and the following three options were discussed:

1. Take no action;
2. Prohibit trucks with more than two axles on Century Boulevard during portions or all times of the day; or
3. Establish citywide truck routes.

Addressing the City Council asking that the City Council prohibit trucks on Century Boulevard were the following persons:

1. John Sutphin, 321 East Century Boulevard, Lodi;
2. Jacque Sutphin, 321 East Century Boulevard, Lodi;
3. Don Soares, 359 East Century Boulevard, Lodi; and
4. Joe Csipkes, 383 East Century Boulevard, Lodi.

Discussion followed with questions being directed to staff.

Council Member Warner made a motion to prohibit trucks with more than two axles on Century Boulevard, the motion was seconded by Council Member Land. The motion failed by the following vote:

Ayes: Council Members - Land and Warner
Noes: Council Members - Mann, Sieglock, and Pennino (Mayor)
Absent: Council Members - None

Following additional discussion, on motion of Mayor Pennino, Sieglock second, the City Council voted to take no action other than to send letters to the various businesses located in the area of Century Boulevard requesting that trucks servicing their businesses not use Century Boulevard if at all possible and for the City to continue its patrolling and enforcement of the area.

Continued August 6, 1997

The motion carried by the following vote:

Ayes: Council Members - Mann, Sieglock, and Pennino (Mayor)

Noes: Council Members - Land and Warner

Absent: Council Members - None

FILE NO. CC-45(a)

FILE NO. CC-48(a)

- b) The City Council was reminded that at a recent Council shirtsleeve session regarding the design of the Cherokee Lane median, staff was requested to reexamine alternatives to the design of the median surface and landscaping. The main issue was concern over the planned use of rock to border the hedge-like plants and oak trees located in the center of the median.

The City Council was informed that the following options have been identified and roughly priced:

1. Leave the design as originally approved (increased cost: \$0);
2. Leave the design, but use smaller rock (increased cost: \$48,000); or
3. Change the plants to one which would spread over the median, modify the irrigation system and substitute some type of organic mulch for the rock (increased cost: \$110,000).

Each of the options were discussed with questions being directed to staff. It was staff's recommendation that given the costs involved, both initial and long-term maintenance, and the lack of previous problems with rock throwing that the project proceed as originally designed.

Various types of rock and gorilla hair samples were shown to the City Council.

Mr. Gerald Neuburger, 5 North California Street, Lodi owner of Snap 'n See, 720-A South Cherokee Lane, Lodi addressed the City Council regarding the matter expressing his concerns about the use of rock.

Following discussion, Council Member Mann, Sieglock second, moved to proceed with Option No. 3 - change the plants to one which would spread over the median, modify the irrigation system and substitute some type of organic mulch for the rock (increased cost: \$110,000). Following additional discussion, Mayor Pro Tempore Sieglock withdrew his second, and the motion failed due to lack of a second.

Following additional discussion, Mayor Pro Tempore Sieglock, Warner second moved that the City go with Option No. 2 which would leave the design as is, but would use small rock no larger than 3/8" at an increased cost of \$48,000.

City Manager Flynn cautioned the City Council that if it took this action, he may be required at a later date to come back to Council to request additional funds to cover this change.

The motion carried by unanimous vote of the City Council.

FILE NO. CC-10(e)

FILE NO. CC-10(h)

11. ORDINANCES

- a) Ordinance No. 1650 - An Ordinance of the City Council of the City of Lodi Amending Title 8, Health, and Safety, Thereby Creating Chapter 8.24 of the Lodi Municipal Code Entitled "Health and Sanitation" having been introduced at a regular meeting of the Lodi City Council held July 16, 1997 was brought up for passage on motion of Council Member Pennino, Land second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Land, Mann, Sieglock, Warner, and Pennino (Mayor)
Noes: Council Members - None
Absent: Council Members - None
FILE NO. CC 24(b)

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Mr. George DeCota, 1419 Lake Street, Lodi addressed the City Council indicating that new developments had been uncovered since he last appeared before the City Council regarding the parking by his neighbor of a motor home which he believes is a safety problem causing a sight distance problem. Mr. DeCota stated that he believes his neighbor is over the limits of concrete usage in the subject area. The matter was referred to staff.
- b) Mrs. Virginia Lahr, 311 East Elm Street, Lodi addressed the City Council complaining about the severe trimming of a neighborhood tree by the City. She stated it took a long time for this tree to grow and it took 20 minutes to destroy it.

Mr. George Bradley, Street Superintendent responded to the Council regarding the complaint indicating that he would look into the matter.

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Mayor Pro Tempore Sieglock thanked the Lodi Police Department, Captain Jerry Adams, Community Service Officer Mary Fuhs, the Police Department Partners and all the citizens involved in the August 5, 1997 National Night Out for this wonderful community celebration. He indicated that Lodi citizens are very upbeat and that he had received very positive feedback from the citizens.

Mayor Pro Tempore Sieglock asked the Public Works Department to look into a drainage problem being encountered in the winter in the area of 1122 Midvale.

- b) Mayor Pennino indicated that on Monday the City had celebrated the origination of the 5th route for its bus system and complimented Transportation Manager Carlos Tobar on the outstanding job he is doing.

Mayor Pennino echoed the comments that Mayor Pro Tempore Sieglock made regarding National Night Out and stated that citizens liked what is happening downtown and the idea of constructing a movie complex in the downtown area.

- c) City Manager Flynn extended birthday greetings to Mayor Pro Tempore Sieglock who will be celebrating his birthday August 17th and to Konradt Bartlam who will be celebrating his birthday on August 18th.

Continued August 6, 1997

City Manager Flynn announced that Fire Captain Joe Hansen was a first time runner in the recent San Francisco Marathon and extended congratulations on his accomplishment and in finishing the race.

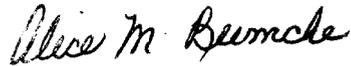
14. CLOSED SESSION

There was no Closed Session held at this meeting.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 10:20 p.m.

ATTEST:



Alice M. Reimche
City Clerk