

CITY COUNCIL, CITY OF LODI  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 19, 1993  
7:00 P.M.

ROLL CALL Present: Council Members - Davenport, Mann, Sieglock,  
Snider, and Pennino (Mayor)  
Absent: Council Members - None  
Also Present: City Manager Peterson, Assistant City  
Manager Glenn, Community Development  
Director Schroeder, Public Works Director  
Ronsko, City Attorney McNatt, and City Clerk  
Perrin

INVOCATION The invocation was given by Pastor Dick Patterson, Zion  
Christian Fellowship.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mayor Pennino.

PRESENTATIONS

PROCLAMATIONS Mayor Pennino presented the following proclamations:

- CC-37 a) "National Safe Boating Week", week of June 6  
- 12, 1993--accepting the proclamation was  
Ken Martin, Vice Flotilla Commander of the  
Stockton Flotilla 10-3; and
- b) "Emergency Medical Services Week", week of  
May 23 - 29, 1993--accepting the  
proclamations were Brad White with Emergency  
Medical Services, Captain Richard Newman  
with Lodi Fire Department, and Debbie  
Crawford with Lodi Memorial Hospital.

PRESENTATION OF CERTIFICATE OF COMMENDATION  
BY THE GOVERNOR'S OFFICE OF EMERGENCY SERVICES

CC-7(b) The City of Lodi was presented with a Certificate of  
CC-102 Commendation by Jim Stone on behalf of the Governor's  
Office of Emergency Services for Lodi's participation in  
the Operational Area Satellite Information System (OASIS)  
project.

The City of Lodi, along with other cities in San Joaquin  
County, worked in conjunction with the Governor's Office of  
Emergency Services and the County Office of Emergency  
Services to develop resource policies and procedures for  
disaster preparedness.

224  
✓

Continued May 19, 1993

City of Lodi employees involved in the project include the following:

1. Larry Hughes, Fire Chief
2. Robert Gorbet, Fire Marshal
3. Wes Fujitani, Senior Civil Engineer
4. Charlie Mauch, Police Lieutenant
5. Marilyn Field, Recreation Superintendent
6. Hans Hansen, Assistant Electric Utility Director
7. Roger Houston, Chief Building Inspector
8. Scott Essin, Parks Superintendent
9. Rick Shaeffer, Utility Operations Supervisor
10. Jerry Glenn, Assistant City Manager
11. Janet Keeter, Administrative Assistant to the City Manager

ANNOUNCEMENT BY CITY MANAGER

City Manager Peterson informed the public that there would be a brief video played during the first break of the meeting regarding "Public Works Week".

COMMENT BY PUBLIC UNDER CONSENT CALENDAR

CC-90 Janet Pruss, 2421 Diablo Drive, Lodi, asked questions regarding insurance coverage on agenda item #E-13 entitled, "Renewal of landscape maintenance contract".

Further, Council Member Davenport expressed concerns regarding the renewal of the landscape maintenance contract and felt that this matter should go out to bid; therefore, Council Member Davenport made a motion, Mann second, to go to bid on the landscape maintenance contract and the motion failed by the following vote:

Ayes: Council Members - Davenport and Mann

Noes: Council Members - Sieglock, Snider and Pennino (Mayor)

Absent: Council Members - None

CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Snider, Sieglock second, approved the following items hereinafter set forth.

Further, agenda item #E-15 entitled, "Receive General Services Unit Memorandum of Understanding (MOU) 1992-93" was pulled from the agenda pursuant to staff's request.

\*\*\*\*\*

CLAIMS CC-21(a)

Claims were approved in the amount of \$1,313,535.70.

MINUTES

The Minutes of March 23, 1993 (Adjourned Regular Meeting), March 23, 1993 (Special "Town Hall" Meeting), March 24, 1993 (Special "Town Hall" Meeting), March 30, 1993 (Special "Town Hall" Meeting) and March 31, 1993 (Special "Town Hall" Meeting) were approved as written.

RENT PAYMENTS FOR BIG VALLEY MODEL  
RAILROADERS ELIMINATED

CC-7(h)  
CC-90

The City Council rescinded rental payments for Big Valley Model Railroaders from May 1, 1993 to July 31, 1993, a period of 3 months.

The City of Lodi has a contract with Big Valley Model Railroaders for their lease of the basement of the Carnegie Forum.

The present terms of this lease are rental payments of \$100 per month, and a stipulation that either party may terminate the lease with a 30-day notice.

On March 31, 1993, the Big Valley Model Railroaders were sent a letter by the City notifying them that the City was exercising its option to terminate the agreement effective August 1, 1993 because of the City's need for the space they are occupying.

The Model Railroaders have indicated they will turn the facility over to the City by August 1, 1993, however, in that they are now in the process of dismantling their model railroad and trains, they have asked to be excused from the rental fee of \$100 per month for the months of May, June and July.

It was recommended that the City forgive the \$100 monthly rent payments due from May 1, 1993 through July 31, 1993 since the group can no longer use the facility for the purpose of operating model railroads.

PLANS AND SPECIFICATIONS AND ADVERTISEMENT  
FOR BIDS FOR JAIL PAINTING AND PLUMBING  
RETROFIT APPROVED

CC-12.1(c)

The City Council approved the plans and specifications for jail painting and plumbing retrofit and authorized advertising for bids.

This project consists of furnishing all labor, materials, tools and equipment to complete the painting and plumbing retrofit of the Public Safety Building jail at 230 West Elm Street. The work includes the removal of the existing paint from jail interior walls, ceilings, floors, and interior metal surfaces; preparation, priming and painting of those interior walls and surfaces; plumbing, including

276

Continued May 19, 1993

changing valves and both supply and waste piping, and reworking existing plumbing deficiencies, and other incidental and related work, all as shown on the plans and specifications for the above project.

The Public Safety Building jail, built in 1968, has had ongoing problems with the plumbing for years. The patchwork and piecemeal repairs that have been done over those 25 years are now causing maintenance problems and must now be upgraded. Replacement sink and toilet valves and replacement toilets are almost impossible to find, and the "homemade" remedies we've attempted are not holding up. Because of these plumbing problems, one cell has been unusable for the last two years.

The jail paint is peeling, deteriorated, and has been vandalized throughout the entire jail facilities. Several layers of latex paint, in a variety of colors, have been applied over the years. It has been worn, peeled and vandalized to the point where new vandalism to paint cannot be detected and assessed to the appropriate prisoner. A new, more durable, epoxy paint system needs to be applied now after the numerous old layers are removed and the surface adequately prepared.

It was staff's recommendation that both plumbing and paint problems be corrected at the same time so closing of the jail can be kept to a minimum.

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS  
FOR ROCK AND SAND MATERIAL FOR FISCAL  
YEAR 1993/94 APPROVED

CC-12.1(c)

The City Council approved the specifications for rock and sand material and authorized advertisement for bids to be received Wednesday, June 2, 1993.

The City advertises for rock and sand material on an annual basis. This bid will cover rock and sand material needed during the fiscal year July 1, 1993 through June 30, 1994.

A recap of the quantities is shown below:

ROCK AND SAND MATERIAL QUANTITIES

Item No. 1	100 tons 3/4" class II aggregate
Item No. 2	300 tons concrete sand
Item No. 3	350 tons 5/16" x #8 crushed rock

227

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS  
FOR ASPHALT MATERIALS FOR FISCAL YEAR  
1993/94 APPROVED

CC-12.1(c) The City Council approved the specifications for asphalt materials and authorized advertisement for bids to be received Wednesday, June 2, 1993.

The City of Lodi advertises for asphalt materials on an annual basis. This bid will cover asphalt materials needed during the fiscal year July 1, 1993 through June 30, 1994.

A recap of the quantities is shown below:

ASPHALT MATERIAL QUANTITIES

3/8" Asphalt Concrete 2,825 tons

RECEIVED CHANGE ORDER FOR TWO MID-SIZE  
PARATRANSIT BUSES

CC-50(b) The City Council approved a change order request for  
CC-90 upgraded dual air conditioning units for two mid-size paratransit buses for Dial-A-Ride at a total cost of \$2,800.

The City is in the process of ordering two mid-size paratransit buses as approved by City Council at the April 21, 1993 Council Meeting. Staff, in working with the vendor, California Bus Sales, has come to the conclusion that the air conditioning system, as proposed in the bid, should be upgraded to a dual-compressor air conditioning unit. The upgraded system will better accommodate the anticipated loss of cool air due to the rear door opening and closing for wheelchair access. This will provide the passengers with a much more comfortable ride in the hot summer months, and will be less of a strain on the vehicle.

The cost to the City, should the order be placed prior to the manufacturing of the vehicles, will be \$1,400 per unit. If the City determines, after the vehicles have been built according to the current specifications, that the passengers would be better served with the upgraded air conditioning unit, the cost would then be approximately \$2,045 per unit. The City would realize a total savings of \$1,290 on the two busses by ordering the air conditioning units prior to manufacture.

Included with the price of the upgraded air conditioning is a rear center brake light which would be activated every time the driver stepped on the brake. Staff views the rear center light as a safety issue; one which could potentially prevent rear-end accidents. This feature does not come as stock, however, the vendor is willing to include the light with the upgraded air conditioning unit.

228  
✓

Continued May 19, 1993

The \$2,800 expense will be paid with Transportation Development funds (TDA) which are available for this project.

AUTHORIZED THE CITY MANAGER TO FILE ALL APPLICATIONS WITH THE DEPARTMENT OF TRANSPORTATION FOR GRANTS UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED

RESOLUTION NO. 93-62

CC-50 (b)  
CC-300

The City Council adopted Resolution 93-62 authorizing the City Manager to execute and file all applications on behalf of the City of Lodi with the U. S. Department of Transportation to aid in the financing of all planning, capital, training, and/or operating assistance projects.

The City of Lodi became eligible for Federal Transportation Administration (FTA) funds in July 1991. The City is in the process of submitting its first application to FTA to obtain funding for the existing transportation program and for future transportation projects. James Brown and Associates, the City's transportation contractor, is assisting the City with the appropriate documentation; however, certain documents must be signed by an authorized representative of the City of Lodi.

The City Manager is the logical individual to have as the signature to the documents as he will be accessible to staff and will be working directly with staff to confirm that the application is complete and accurate.

PUBLIC HEARING SET FOR JUNE 2, 1993 TO APPROVE SECTION 9 APPLICATION FOR FEDERAL TRANSPORTATION FUNDS

CC-50 (b)

The City Council set a public hearing for June 2, 1993 to consider the City of Lodi's Federal Transportation Administration (FTA) Section 9 application for transit needs.

The City of Lodi, became eligible, in July 1991, to receive approximately \$500,000 per year for Federal Transportation funds. The City, to obtain the funds, must submit an application to the Federal Transportation Administration and to CalTrans. City staff, working in conjunction with James Brown and Associates, has prepared the appropriate application which will be submitted to FTA on June 10, 1993. Funding will be available to the City upon review and approval of the application by FTA and CalTrans.

At the public hearing, the public will have the opportunity to comment on the transit project. The hearing will

include consideration of the economic, environmental and social aspects of the project and will be presented by staff and Jim Brown and Associates.

PUBLIC HEARING SET FOR JUNE 16, 1993 TO CONSIDER THE INTRODUCTION OF AN ORDINANCE ADDING SECTION 10.52.080 TO LODI MUNICIPAL CODE TO PROHIBIT THE PARKING OF COMMERCIAL VEHICLES OPERATING DIESEL AND/OR AUXILIARY ENGINES WITHIN 250 FEET OF A "RESIDENTIAL DISTRICT", BETWEEN THE HOURS OF 10 P.M. AND 7 A.M. ON ANY STREET EXCEPT STATE HIGHWAYS

CC-48(a)  
CC-149

The City Council set a public hearing for June 16, 1993, to consider the introduction of an ordinance adding Section 10.52.080 to Lodi Municipal Code (LMC) to prohibit on-street parking of commercial vehicles operating diesel engines and/or auxiliary engines within 250 feet of a "residential district", between the hours of 10 p.m. and 7 a.m., on any street except State highways; and to approve the method of sign placement for this restriction. Auxiliary engines include but are not limited to truck refrigerator units.

At the public hearing held on March 17, 1993, regarding truck parking and truck travel on City streets, Council elected to address the issues associated with this subject on a case-by-case basis. These issues are:

- ~ Noise complaints on trucks legally parked near residences
- ~ Sight obstruction complaints on trucks parking too close to driveways and intersections
- ~ Truck travel complaints on various City streets

This is the first of three reports prepared on this subject and deals with noise complaints received related to truck parking. The two remaining issues will be reviewed at future Council meetings. The following is a list of locations where truck related noise complaints have been received:

- ~ Mills Avenue - (west side) south of Turner Road, adjacent to General Mills
- ~ Stockton Street - (west side) from Mission Street to Poplar Street, adjacent to PCP Cannery
- ~ Cherokee Lane - (east side) south of Kettleman Lane, adjacent to Lodi Truck Service (1430 South Cherokee Lane)
- ~ Cherokee Lane - (east side) north of Almond Drive, in front of Croce's Restaurant parcel
- ~ Walnut Street - (south side) east of Stockton Street, adjacent to Safeway Grocery Store
- ~ Elm Street - (north side) west of Ham Lane, adjacent to Lakewood Mall

239  
✓

Continued May 19, 1993

This list does not include complaints received at locations where truck parking is illegal under the existing truck parking ordinance. A map showing these areas was presented to the City Council. Other areas where this problem could occur are at any location where a "residential district" abuts a nonresidential parcel, such as a commercial use.

To address this issue, Public Works staff and the City Attorney drafted a new ordinance (LMC 10.52.080) designed to reduce residents' exposure to truck noise by restricting parked commercial vehicles from operating diesel or auxiliary engines within 250 feet of a "residential district". This restriction would be in effect everyday between the hours of 10 p.m. and 7 a.m. and applies to all on-street (public) parking within the City limits with the exception of State highways. The ordinance does not prohibit noise from commercial vehicles in the process of being loaded or unloaded. Commercial vehicles operating diesel or auxiliary engines on private property are also not restricted.

The 250-foot distance was chosen based on the distance it would take to dissipate truck engine noise to an acceptable level at the boundary of the "residential district". Because each individual's tolerance to sound is different, comparing the level of noise to human annoyance is difficult to determine. The data used to determine the distance used for this restriction was shown in an Appendix presented to the City Council. The time limit used for this restriction (10 p.m. to 7 a.m.) corresponds with the existing noise ordinance described below.

Currently, there are two existing ordinances in Title 9, "Public Peace, Morals and Welfare", of the Lodi Municipal Code related to public nuisance and excessive noise. These ordinances differ from the proposed ordinance because they only allow citations to be issued to the individual creating the offensive noise. Thus, citations for trucks could not be issued until the driver of the truck was located. The proposed ordinance would allow citations to be placed on the vehicle.

The California Vehicle Code indicates that this type of restriction shall not apply until signs or markings giving adequate notice have been placed. Staff has reviewed the following two signing methods for this restriction. These methods and their advantages and disadvantages are shown below with additional discussion following.

Method 1 - Install signs at all major entrances to the City. Provide warning period prior to issuing citations.

Advantages

Disadvantages

~Provides notice to truck drivers entering the City of these restrictions  
~Warning period allows truck drivers to become familiar with the restrictions prior to receiving a citation

~Only truck drivers entering the City would be exposed to signing  
~May be difficult to read since it is a nonconforming sign

Method 2 - Install signs at all major entrances to the City and specific locations where problems have been reported.

Advantages

Disadvantages

~Provides double notice to truck drivers entering the City and at complaint locations

~Could confuse drivers by implying that the restriction is not in effect at unsigned locations  
~High cost of signing all locations and "chasing the problem around town"

Discussion/Recommendation: The proposed truck noise ordinance was designed to work in conjunction with the existing commercial vehicle parking ordinance (LMC 10.52.050). The existing ordinance restricts commercial vehicle parking in "residential districts" at all times of the day. In combination with the proposed ordinance, they will resolve the majority of truck parking problems related to noise at or near residences. Of the six locations on which we have received complaints, the proposed ordinance will resolve the problem at all locations except on Cherokee Lane, adjacent to Lodi Truck Service. Staff believes this to be a rare incident since this is an isolated single-family residence surrounded by commercial and industrial uses. This restriction is also easy to enforce because a decibel reading is not required. The specified distance can also be easily measured since zoning boundaries which follow property lines are generally distinguishable in the field. The only concern staff has regarding this restriction is that noise problems could continue to occur if truck drivers park in this area when the noise ordinance is not in effect and leave during the restricted time, before enforcement can arrive at the scene. This problem can be remedied by restricting parking within 250 feet of a "residential district" at all times; however, an all-day restriction is not recommended based on the reason indicated below.

Staff has received a citizen request to extend the time limit on this restriction to be in effect at all times. While this would be beneficial to those residents who sleep

232  
✓

Continued May 19, 1993

during the day, there would be a problem at locations where businesses are located within 250 feet of a "residential district". At these locations, commercial vehicles would not be allowed to park at any time in front of restaurants or stores within the restricted distance of a "residential district" with engines or refrigerator units operating. This problem would occur on Cherokee Lane, Lodi Avenue, Turner Road and many other locations. Since the needs of truck drivers should be balanced with the needs of the community, staff does not feel it is appropriate to restrict truck parking all day. Also, as previously discussed, the existing commercial vehicle parking restriction will continue to be in effect all day.

When considering signing for a restriction, in general, the more signs posted the better compliance will be. However, due to the type of restriction, staff does not feel that is true in this case. Posting signs at problem areas as well as major entrances to the City would provide additional notice to drivers; however, it would also imply that parking in unsigned areas is legal. This could be a problem where unsigned areas and signed areas meet. Depending on the specific location, parking in these unsigned areas may or may not be legal. The only way to totally alleviate this confusion is by posting signs at every location where the restriction applies, which is not practical. Also, since this restriction is similar to the existing truck parking ordinance, signing individual locations for either or both of these restrictions could be confusing to drivers since the restrictions are different. Staff feels that a better solution would be to place signs only at the major entrances to the City, displaying both the parking and noise restrictions. Staff will prepare an information sheet describing the allowable parking areas. Because individual locations will not be signed, it may be desirable to provide a warning period prior to issuing citations to allow drivers to become familiar with the restriction. If enforcement is not effective at a particular location, an alternate method of restriction, such as the installation of no-parking zones, can be considered.

Based on these factors, staff recommended that Council set a public hearing to consider the introduction of an ordinance adding Section 10.52.080 to Title 10 of the Lodi Municipal Code with the restriction applying everyday between the hours of 10 p.m. to 7 a.m. Staff also recommended the approval of signing Method 1 (installing signs only at the major entrances to the City).

Continued May 19, 1993

ACCEPTED IMPROVEMENTS UNDER WELL #11-R ENCLOSURE,  
824 EAST TURNER ROAD, CONTRACT

CC-90 The City Council accepted the improvements under the "Well #11-R Enclosure, 824 East Turner Road" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to H. Max Lee, Inc., of Lodi on August 19, 1992, in the amount of \$66,994.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was May 4, 1993, and the actual completion date was May 4, 1993. The final contract price was \$67,602.40. The difference between the contract amount and the final contract price is mainly due to an increase in the square footage of the concrete work for the driveway.

PROGRAM SUPPLEMENT TO LOCAL AGENCY-STATE  
AGREEMENT FOR TRAFFIC SIGNALS AT TURNER  
ROAD AND STOCKTON STREET/MIWOK DRIVE, AND  
KETTLEMAN LANE AND CENTRAL AVENUE APPROVED

RESOLUTION NO. 93-63

CC-48(h) The City Council adopted Resolution No. 93-63 approving  
CC-90 Program Supplement No. 35 to the Local Agency-State  
CC-300 Agreement and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.

This agreement covers the use of Federal Surface Transportation Program (STP) funds for the installation of the traffic signals at Turner Road and Stockton Street/Miwok Drive, and Kettleman Lane and Central Avenue. The Federal funds will cover 100% of the preliminary engineering, construction and construction engineering, up to a total of \$215,000. After the bids are received, if additional money is needed, it will be requested from the Street Impact Mitigation Fees.

The plans and specifications for this project are being advertised with bid opening scheduled for May 26, 1993.

RENEWAL OF LANDSCAPE MAINTENANCE CONTRACT APPROVED

CC-90 The City Council approved renewal of the Landscape Maintenance Contract and authorized the City Manager and City Clerk to execute the renewal of the contract for the 1993/94 fiscal year to Ireland Landscape Company, Inc. of Stockton.

234

Continued May 19, 1993

Ireland Landscape Company, Inc. has maintained 44 landscaped areas within the City and White Slough during the 1992/93 fiscal year and have provided satisfactory service. In their letter dated January 20, 1993, they have agreed to maintain the existing areas at no increase in rate for additional 12 months, July 1, 1993 through June 30, 1994. Ireland Landscape Company, Inc. has also agreed to maintain one (1) new area during the same period of time at the rate of \$25 per month. The contract has been renewed two times. 1990 was the last time the contract was bid. The contract cost for the 1993/94 fiscal year, including the new area, is \$42,593.28.

Staff also requested that by mutual consent, the City and the contractor enter into an agreement for an annual extension of the contract, with the approval of the City Council.

Funds to finance the contract were included by various departments in the 1993/94 operating budget.

RECEIVED POLICE OFFICERS ASSOCIATION OF  
LODI MEMORANDUM OF UNDERSTANDING (MOU)  
1992-1993

CC-34 The City Council received for filing the Police Officer Association of Lodi's Memorandum of Understanding (MOU) 1992-1993.

AGENDA ITEM PULLED FROM THE AGENDA

Agenda item #E-15 entitled, "Receive General Services Unit Memorandum of Understanding (MOU) 1992-1994" was pulled from the agenda.

\*\*\*\*\*

COMMENTS BY CITY

COUNCIL MEMBERS The following comments were received under the "Comments by ON NON-AGENDA ITEMS City Council Members" segment of the agenda:

LODI DAY AT THE STICK

Council Member Snider informed the public that the tickets for the Annual "Lodi Day at the Stick" to be held on May 22, 1993 were sold out and reminded everyone to bring clothes for all kind of weather.

COMMENT REGARDING PROPOSED CUT IN SALES TAX

CC-6 Council Member Mann wished City Manager Peterson a "Happy  
CC-21(b) Birthday". Mr. Mann reported that he recently attended a meeting with Senator Johnston regarding the State's proposed cut in sales tax to local City's and how it will

effect the justice system in Lodi (crimes not being prosecuted) and urged his opposition to this. Mr. Johnston agreed that the cut is large, but supports it regardless. Mr. Mann urged the citizens to contact Johnston to express their support of the continued funding of law and justice.

In response to the funding for law and justice, City Manager Peterson and Police Chief Hansen commented on the recent San Joaquin County Board of Supervisors Board meeting they attended in which they presented the City Council's Resolution urging the Board of Supervisors to continue funding of law and justice in the County and to support the County's efforts to retain property tax revenue.

COMMENT REGARDING THE RECENT SPECIAL MEETING  
HELD ON THE EAST SIDE

CC-2(s) Council Member Mann expressed his feeling that the Special  
CC-6 Council meeting to discuss the East Side which was held on  
May 12, 1993 was very successful. Mr. Mann feels that  
something needs to be done about the problems on the East  
Side - follow through on enforcement of the "ugly  
ordinance", take back the neighborhoods, crack down on gang  
violence, etc.

SEVERAL COMMENTS MADE BY COUNCIL MEMBER DAVENPORT

CC-6 Council Member Davenport commented on the following  
CC-21(b) matters: (1) thanked the citizens for the many letters of  
support he has received; (2) commented on the success of  
the recent Crime Prevention Fair; (3) informed the public  
that the Public Works Department had its breakfast that  
morning, which was very enjoyable, and the City Council did  
some of the cooking and serving; (4) received a survey  
regarding the number of crimes in Lodi and will make that  
available to the public and to the newspapers if they are  
interested; (5) recently received a letter from residents  
on Murray Street regarding golf balls from the Cherokee  
Lane driving range being hit into their yards; (6) urged  
the citizens to contact their local representatives to urge  
the support of funding of law and justice; (7) would like  
to receive a response regarding the request of the Veterans  
of Foreign Wars to fly the flag at half-mast when a veteran  
passes away; (8) commented that he has been told that the  
Executive Sessions are confidential and cannot be  
discussed; however, he is hearing that members of the  
public are aware of some of this confidential material and  
he does not want to be held responsible; and (9) made  
several comments regarding the possible layoffs of City  
employees and the excessive amount of overtime hours and  
feels that there are other alternatives that can be  
explored. Mr. Davenport also felt that the City Clerk does  
not need to attend out-of-State training, especially during  
these tough financial times, and that the City Council

236  
V

Continued May 19, 1993

should look at the City employee's recommendations in cutting the budget and start implementing those ideas now.

City Manager Peterson commented that the City is currently looking at alternatives to layoffs and have begun sessions with the various employee groups.

CONCERNS EXPRESSED REGARDING HIRING FREEZE,  
OVERTIME HOURS

CC-6 Council Member Sieglock agreed with Mr. Davenport that he  
CC-21(b) would also like to see a hiring freeze; however, there are some classifications that will need to be filled. He, too, is concerned about the number of overtime hours and has been meeting with the Finance Director to discuss this situation. Council Member Sieglock extended his appreciation to the East Side Improvement Committee on the tour it gave of the East Side area prior to the May 12, 1993 Special Council meeting regarding the East Side and commented on a recent tour he and the Mayor took on Sacramento Street one evening.

UPDATE ON BUDGET

CC-6 Mayor Pennino informed the public that ten notices had  
CC-21(b) been sent out to employees that their positions may be eliminated and ten additional positions are currently vacant. Mr. Pennino stressed that at this time these positions are only recommended and they will be discussed in detail during the budget sessions in June. The Mayor announced that the off-Wednesdays in June will be used to discuss the budget.

OPPOSITION VOICED REGARDING CUTTING THE  
STREET SWEEPING PROGRAM

CC-6 Council Member Davenport expressed his opposition to  
CC-21(b) cutting the Public Works street sweeping program and feels that a cut could be made instead in the Water Conservation Program.

Pursuant to Council's request, City Manager and Police Chief Hansen addressed the overtime issue and some of the reasons for the excess amount in overtime hours. The City Manager was directed to bring back a report with the breakdown of the overtime hours.

REVIEW OF WEEKEND'S EVENTS

Mayor Pennino told the public that there were many events held in the City of Lodi last weekend, including, Walk For the Health of It, Tokay High School Karate tournament, swim meets at the high schools, dancing at the Armory, and the Crime Prevention Fair, and welcomed the Good Sams to Lodi.

237

COMMENTS BY THE  
PUBLIC ON NON  
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

COMPLAINT REGARDING METHOD AND TIME OF  
DELIVERY OF LETTER TO COUNCIL MEMBER  
DAVENPORT

CC-6                   Jean Davenport, 445 Almond Drive #45, Lodi, questioned  
CC-16                   the Mayor why the letter from Residents United For Fairness  
                         (R. U. F. F.) regarding request for termination of City  
                         Manager Peterson was delivered to their house at 2:00 a.m.  
                         and why were they not telephoned instead.

Police Chief Hansen publicly apologized for the lateness of the delivery of the letter. The Officer tried to make earlier contact and was unsuccessful, and used poor judgement.

OPPOSITION TO RECALL VOICED

CC-16                   George Newmarch, P.O. Box 355, Lodi, expressed his  
CC-18                   opposition to the recalls and urged the citizens not to  
                         sign any petition to save the City money in special  
                         election costs.

"FRIENDS OF TOM (F. O. T.)"

CC-6                   Bryan Stamos, 1935 Carmel Circle, Lodi, made several  
CC-16                   comments alleging that there is a "Friends of Tom"  
                         organization and stated he felt the City Manager should be  
                         terminated.

OPPOSITION TO RECALL

CC-16                   Colleen Dixon, 333 Hilborn, Lodi, commented on her  
CC-18                   opposition to the recalls and urged the citizens not to  
                         sign the petitions.

SERVICE OF A NOTICE OF INTENTION TO RECALL

CC-16                   Clayton Henson, P.O. Box 591, Valley Springs, made several  
CC-18                   comments: (1) presented Council Member Mann with a Notice  
                         of Intention to Recall (Note: This Notice of Intention to  
                         Recall Council Member Mann served by Mr. Henson apparently  
                         was a hoax.); (2) would like the Mayor to be consistent  
                         with his regulations; (3) questioned the relationship  
                         between Mr. Peterson and Mr. Jones with the Grand Jury.

238

Continued May 19, 1993

THANKS EXPRESSED FOR ASSISTANCE WITH THE SHRINERS' CIRCUS

John Young, 500 East Lodi Avenue, Lodi acknowledged Virginia Lahr, Virginia Snyder and Paula Soto for their assistance in the bus trip they arranged to take 49 children to the Shriners Circus. The Lodi High 12 Club and the Ben Ali Shriners donated the buses and it was a fun, successful event.

COMPLAINT REGARDING REFUSE SYSTEM

CC-16 Stan Harkness, 700 Cardinal Street, Lodi, complained about  
CC-22(b) the garbage cans blocking the sidewalks creating a  
CC-54 dangerous situation. Mr. Harkness would like something done about this, and according to the Municipal Code, it is violating City of Lodi codes.

REQUEST FOR SUPPORT OF THE LODI COMMUNITY CENTER

CC-6 Paula Soto, 19361 North Jacktone, Lockeford; Jeff Cobb, 446 Cedar Court, Lodi; Delores Sanchez, 122 Adobe Court, Lodi; Tony Castellon, 446 Cedar Court, Lodi; and Mary Enriquez, 537 Kirst, Woodbridge, all spoke on the budget cuts the Lodi Community Service Center is facing. It is losing one person from its two-person staff which will affect many of its programs and will hurt the Spanish-speaking community. It was strongly urged that citizens volunteer at the Service Center and support the Center's efforts.

SUPPORT FOR CAMP HUTCHINS

CC-21(b) Cheryl Daijogo, 457 East Augusta, Woodbridge, expressed her  
CC-27(e) support for Camp Hutchins remaining operational and would prefer to see salary cuts instead of layoffs.

COMMENT REGARDING MAYOR'S QUOTE IN NEWSPAPER

CC-6 John Engman, 823 Sylvia Drive, Lodi, commented on the  
CC-16 Mayor's quote in the Lodi News Sentinel, "Lodi is envied not only by other Californians but individuals from all over the world", and feels that Lodi is not known by many people as the Mayor believes.

CRIME PREVENTION FAIR A SUCCESS

CC-152 Larry Hansen, Lodi Police Chief, commented on the success of the recent Crime Prevention Fair and presented the City with checks totaling \$2,018.50 from selling recovered items at the Fair, which will go into the City's General Fund. Police Chief Hansen acknowledged Ron Tobeck, Mary Fuhs and Jeannie Biskup for their hard work putting on the event, and informed the public that the Fair is now self-sufficient and no longer needs funding from the City.

INTRODUCTION OF RESIDENTS UNITED FOR  
FAIRNESS (R.U.F.F.)

CC-6 Adam Dados, 1101 Junewood Drive, Lodi, informed the public  
CC-18 that a committee has been formed for the recall of Council  
Members Pennino, Sieglock and Snider called Residents  
United for Fairness (R. U. F. F.) and gave the following  
numbers for citizens to contact if they are interested:  
333-0777, 368-2269 and 334-3163.

RESPONSE TO MR. HENSON'S QUESTION  
REGARDING RELATIONSHIP BETWEEN CITY  
MANAGER AND MR. JONES OF THE GRAND JURY

CC-6 Bob Johnson, 1311 Midvale Road, Lodi, responded to Clayton  
Henson's comments regarding the relationship between City  
Manager Peterson and Mr. Jones of the Grand Jury. Mr.  
Johnson informed the Council that it was he who wrote to  
the Grand Jury urging it to investigate Mr. Davenport's  
residency.

COMMENTS REGARDING SEVERAL DIFFERENT MATTERS

CC-6 Arlene Farley, 2121 Scarborough Drive, Lodi commented on  
the following matters: (1) that it is common courtesy to  
remove one's hat indoors; (2) complimented the Mayor in  
following orders during the meetings even though it may be  
very difficult at times; (3) she has written one letter to  
the paper regarding the residency of Council Member  
Davenport; (4) thanked the people who have supported her;  
(5) commented that in all of her dealings with the City she  
has always received help from staff and has never had a  
problem with City Hall.

SUPPORT OF CAMP HUTCHINS

CC-21(b) Lita Wallad, 650 North Roper, Lodi, spoke in support of  
CC-27(e) Camp Hutchins and does not want to see it closed.

COMMENTS REGARDING POLICE DEPARTMENT AND  
LAW AND JUSTICE FUNDING

CC-6 Frank Alegre, 2000 Edgewood Drive, Lodi, commented that the  
CC-21(b) City Council Members and City staff are good people and the  
recall is a great waste. Mr. Alegre also expressed his  
opinion that the Police Department be more streamlined to  
get more officers on the street and urged the citizens to  
talk to Congress to continue to fund law and justice.

SUPPORT OF CAMP HUTCHINS

CC-21(b) Steve Pechin, 501 Black Oak Way, Lodi, spoke in support of  
CC-27(e) Camp Hutchins.

240  
✓

Continued May 19, 1993

ANNOUNCEMENTS BY CITY MANAGER

CC-6 City Manager Peterson announced that the City of Lodi and  
CC-400 Delta College has worked together to create a booklet on  
CC-27(c) how to start a small business in Lodi. Mr. Peterson  
acknowledged Maxine Cadwallader, Revenue Manager, for her  
efforts on this project.

Mr. Peterson also announced that Hale Park is open. A  
portion of the park is still fenced so the grass may be  
reseeded.

Further, Mr. Peterson assured the City Council, staff and  
the community that he has no intention of resigning as City  
Manager.

RECESS Mayor Pennino called for a ten-minute recess and the City  
Council meeting reconvened at approximately 9:41 p.m.

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING TO CONSIDER APPEAL  
RECEIVED FROM CLAUDE C. WOOD COMPANY  
REGARDING THE PLANNING COMMISSION'S  
DENIAL OF ITS REQUEST FOR AN EXTENSION  
OF A USE PERMIT FOR A TEMPORARY OFFICE  
TRAILER AT 686 EAST LOCKEFORD STREET, LODI

CC-53(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 continued  
Public Hearing to consider appeal received from Claude C.  
Wood Company regarding the Planning Commission's denial of  
its request for an extension of a Use Permit for a  
temporary office trailer at 686 East Lockeford Street, Lodi.

City Manager Peterson announced that there was no need to  
hear this matter, because the appeal had been withdrawn.

CONTINUED PUBLIC HEARING TO CONSIDER THE  
APPEAL RECEIVED FROM CHRIS KESZLER  
REGARDING THE PLANNING COMMISSION'S DENIAL  
OF HIS REQUEST FOR A GENERAL PLAN AMENDMENT  
TO REDESIGNATE A PORTION OF THE PARCEL  
LOCATED AT 451 EAST TURNER ROAD (APN 015-230-28)  
FROM P-R, PLANNED RESIDENTIAL TO NCC,  
NEIGHBORHOOD/COMMUNITY COMMERCIAL AND TO  
PREZONE THE PARCEL C-S, COMMERCIAL SHOPPING

ORDINANCE NO. 1577 INTRODUCED

CC-53(b) Council Member Snider abstained from discussion and voting  
CC-149 on this matter.

241

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 continued Public Hearing to consider appeal received from Chris Keszler regarding the Planning Commission's denial of his request for a General Plan Amendment to redesignate a portion of the parcel located at 451 East Turner Road (APN 015-230-28) from P-R, Planned Residential to NCC, Neighborhood/Community Commercial and to prezone the parcel C-S, Commercial Shopping.

Community Development Director Schroeder presented the following report.

The Wine and Roses Country Inn is located adjacent and to the east of the proposed shopping center site. The shopping center developer and the owners of the inn proposed to integrate the two uses into a compatible site plan.

The Commercial zoning at the northwest corner of Turner Road and Woodhaven Lane was originally approved to accommodate the country inn. Shopping center development was not proposed at that time.

On March 1, 1989 the City Council denied a General Plan Amendment and rezoning for a shopping center on a 9.6 acre site at the southwest corner of the Turner Road and Woodhaven Lane-Lower Sacramento Road intersection (i.e. site of MCI building).

Section 17.84.050 of the Lodi Municipal Code provides as follows:

"Disapproval Recommendation - Appeal to Council. If the report of the Planning Commission recommends disapproval of the proposed change or amendment or reclassification, the applicant upon notification of such action may, within twenty days thereafter, appeal to the City Council. After public hearing with due notice as provided in this chapter the City Council may by a four-fifths vote of the entire council grant an appealed application and adopt by the vote an ordinance effecting such proposed changes or portions thereof."

The City Council may approve the General Plan amendment with a simple majority. However, the pre zoning to C-S, Commercial Shopping, requires a four-fifths vote of the entire council.

242  
V

The section of the Planning Commission Minutes of March 22, 1993 which deals with these requests was presented for the City Council's information.

This public hearing was continued from the Regular Session of May 5, 1993 at the request of the applicant's attorney, Ronald M. Stein.

Following this report, Craig Rasmussen, Vice Chair of the Planning Commission and Jim Griffith, Commissioner of the Planning Commission, presented the Planning Commission's reasons for denial in this matter and answered several questions from the City Council. Assistant City Engineer Prima answer several questions regarding traffic concerns.

The Mayor opened the hearing to the public and asked the proponents of the matter to make its presentation first. Speaking on behalf of the proponents were the following:

- a) Ron Stein, 5345 North El Dorado, Stockton;
- b) Fred Baker, 317 West Lodi Avenue, Lodi;
- c) Kris Cromwell, 2505 West Turner Road, Lodi;
- d) Del Smith, 2505 West Turner Road, Lodi;
- e) Johnathan Flecker, Flecker Engineering; Lodi;
- f) Rick Weddle, 4346 St. Andrews Drive, San Joaquin Partnership; and
- g) Ron Bernasconi, 312 Evergreen Drive, Lodi.

Further, the following persons spoke regarding the matter:

- a) Frank Alegre, 2000 Edgewood Drive, Lodi (support);
- b) Ron Addington, 920 West Oak Street, Lodi (support);
- c) Helen Stevens, 616 West Turner Road, Lodi (oppose);
- d) Kristy Phillips, 2210 West Woodbridge Road, Lodi (oppose);

RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 12:08 a.m.

Mayor Pennino continued with public testimony regarding the public hearing to consider the appeal received from Chris Keszler.

- e) Bob Green, 340 West Kettleman Lane, Lodi (oppose);
- f) Bruce Salisbury, 2401 West Turner Road, Lodi (oppose);
- g) Ed White, representing Raleys, 311 North Lower Sacramento Road, Lodi (oppose);
- h) Eileen St. Yves, 310 South Orange #60, Lodi (support);
- i) Dana Smith, 211 South Avena Avenue, Lodi (support);
- j) Zola Liner, 1702 Windjammer Court, Lodi, (support);
- k) James Rankin, 574 Yellowstone, Woodbridge (oppose);
- l) Tom Gau, 2336 Eilers Lane, Lodi (oppose);
- m) Janet Pruss, 2421 Diablo Drive, Lodi (asked for a clarification on the minutes of the Planning Commission meeting);
- n) Ken Cantrell, 2334 St. Anton Drive, Lodi (oppose); and
- o) Buck Lucas, 18196 North Davis Road, Lodi (oppose).

Mr. Stein then presented a brief summary, and Mayor Pennino closed the public portion of the hearing.

Following a very lengthy discussion, the City Council, on motion of Mayor Pennino, Mann second, unanimously approved the request of Chris Keszler for a General Plan Amendment to redesignate a portion of the parcel located at 451 East Turner Turner Road (APN 015-230-28) from P-R, Planned Residential to NCC, Neighborhood/Community Commercial with the agreement to include a hold harmless clause in the event that an Environmental Impact Report (EIR) may be required on the project (Council Member Snider abstained from discussion and voting on this matter).

Further, the City Council, on motion of Council Member Mann, Pennino second, unanimously introduced Ordinance No. 1577 entitled, "An Ordinance of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by Redesignating a Portion of the Parcel Located at 451 East Turner Road (APN 015-230-28) From P-R, Planned Residential, To NCC, Neighborhood/Community Commercial and to Prezone

the Parcel C-2, Commercial Shopping, with a Condition Relating to School Facilities Funding" (Council Member Snider abstained from discussion and voting on this matter).

MEETING TO CONTINUE FOLLOWING 11:00 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council needs a 4/5 vote to continue with the remainder of the meeting after the 11:00 p.m. hour.

On motion of Council Member Davenport, Pennino second, the City Council unanimously approved to continue with the remainder of the meeting.

COMMUNICATIONS  
(CITY CLERK)

REPORTS

Under Reports, the City Council heard the following:

CC-35

The Planning Commission report of May 10, 1993:

- a. Continued consideration of the request of Benjamin and Carmelita Pineda for a use permit to operate a 15-bed board and care home for adults at 458 Almond Drive in an area zoned R-MD, Medium Density Multiple Family Residential until Monday, May 24, 1993 because no one was present to represent the applicant.
- b. Approved the request of the Women's Center of San Joaquin County for a use permit to operate a counseling center at 29 South Washington Street in an area zoned R-1\*, Single-Family Residential - Eastside.
- c. Continued discussion of the on-premise portion of the sign restrictions.
- d. Reviewed Site Plan and Architectural Review Committee (SPARC) responsibilities.

REPORT REGARDING ALCOHOLIC BEVERAGE CONTROL  
LICENSES - SOUTH CENTRAL AVENUE BETWEEN  
EAST LODI AVENUE AND EAST VINE STREET

CC-7(f)

Community Development Director Schroeder presented the following report for the City Council's information.

At its meeting of May 5, 1993 the City Council directed the City Clerk's office to correspond with the Department of Alcoholic Beverages and ask for a time extension on the issuance of an off-sale beer and wine license at 845 South Central Avenue. This action was taken based on concerns expressed by citizens about the number of alcoholic beverage licenses in the area.

215

The City Council also asked the Community Development Department to determine the number of establishments selling alcoholic beverages on South Central Avenue between East Lodi Avenue and East Vine Street. It appears that the following presently have off-sale beer and wine licenses:

1. Dos Hermanos Market  
603, South Central Avenue (at Elm Street)
2. California Gourmet Deli  
620 South Central Avenue (at Tokay Street)
3. E and L Market  
844 South Central Avenue (at Vine Street)

Off-sale beer and wine licenses are pending at the following addresses:

1. Proposed convenience market  
301 South Central Avenue (at Lodi Avenue)
2. La Chiquita Meat Market (at Vine Street)

It was directed that a copy of the letter that was sent to the Department of Alcoholic Beverage Licenses regarding La Chiquita Meat Market be sent to the owners of this establishment.

REGULAR CALENDAR

ISSUANCE OF TAX REVENUE ANTICIPATION NOTE APPROVED

RESOLUTION NO. 93-61

CC-21(a)  
CC-300

Finance Director Flynn presented the following report.

The League of California Cities and the California State Association of Counties have joined together to provide a Pooled Tax and Revenue Anticipation Note Program. The program is being offered through the California Statewide Communities Development Authority, a joint powers authority established to assist California communities with financing programs. Upon becoming a member of the California Statewide Communities Development Authority, the City of Lodi will be able to participate in the California Cash Flow Financing Program for Fiscal Year 1993-94. The advantages of this financing program include:

- ° Reduced issuance expenses because expenses are shared.
- ° The ability to attain the highest short term credit rating available through the Joint Powers Authority issuing structure.

- ° Increased market access resulting in lower interest cost.
- ° Effective and efficient standardized documentation and credit criteria.
- ° Streamlined issuance process resulting in less work for the City.

#### TAX REVENUE ANTICIPATION NOTES

Tax and Revenue Anticipation Notes (TRANS) are issued to eliminate cash-flow deficits in the general fund and other restricted funds before receipt of taxes and other revenues during the same fiscal year. In addition to eliminating cash-flow deficits, benefits include: (1) increased cash balances available for investment; (2) interest rates on TRANS are typically 1.5% to 4% below available reinvestment rates; and (3) the difference between the borrowing rate and the reinvestment rate can be retained.

In the present fiscal crises faced by California cities, Tax and Revenue Anticipation Notes are becoming increasingly popular as a means to raise revenues. This is the only financing vehicle which the Federal and State government allow local agencies to retain investment earnings from borrowed monies.

#### FINANCING TEAM

Following a competitive bid process, CSCDA assembled a financing team to be managed by Sutro & Co. Incorporated, acting as the managing underwriter of the program. Sutro has considerable experience working with issuers of Tax and Revenue Anticipation Notes and pioneered pooled TRANS programs in California.

Orrick Herrington & Sutcliff will act as bond counsel for the program. Orrick is a nationally recognized law firm which specializes in tax exempt municipal finance, is the largest such law firm in California, and has considerable experience in the area of pooled TRANS programs.

HB Capital will serve as Financial Advisor for the CSCDA program and will coordinate the efforts of the financing team, and the League of California Cities.

#### LEGAL STRUCTURE

Each participant in the CSCDA program will issue an individual note obligation. The note obligation must be authorized by resolution of the City Council as directed by Article 7.6, Chapter 4, Part 1, Division 2, Title 5 under Section 53580 of the California Government Code. The City

247

will be responsible for the repayment of its note obligation and has no responsibility for the repayment of notes issued by other participants in the program. The following timetable has been adopted by CSCDA for participants:

<u>Date</u>	<u>Action</u>
April	City completes Credit Questionnaire and prepares case flow statements.
April-May	City Council approval.
May 31, 1993	City completes Closing Questionnaire.
June	Establish interest rate, prepare and sign closing documentation.
July 1, 1993	Closing and delivery of funds to City.

DOCUMENTATION REQUIRED BY CSCDA

Presented to the City Council was an exhibit entitled, "Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority" which must be approved by the City Council and signed by the Mayor.

Another exhibit that was presented was the model "Local Agency Resolution" required by Bond Counsel and which must be approved by the City Council at the scheduled meeting May 19, 1993 and signed by the Mayor.

Another exhibit was the "Indenture" by and between the U.S. Trust Company of California, N. A. and the California Statewide Communities Development Authority provided as information only. The Indenture will be completed by CSCDA July 1, 1993. No action is required by the City.

The final exhibit was the "Purchase Agreement" which will be completed in June after pricing. No action needed at this time but will require the signature of the Mayor in late June.

ANALYSIS

Due to the uneven pattern of revenues and expenditures in the General Fund, the General Fund periodically has a cash deficit. This necessitates the internal borrowing from other funds, which in turn lowers the interest income to the City.

248  
✓

This situation is common among municipal governments. An increasing practice among cities is to issue and Tax and Revenue Anticipation Note (TRAN). The TRAN can be issued for an amount that will alleviate the deficit in the General Fund. The use of a TRAN recognizes that the deficit is only a temporary condition caused by the difference in revenues and expenditures and that the General Fund will be able to provide for the payback before the end of the fiscal year.

The advantage of using a TRAN as opposed to internal borrowing is that the City can sell the TRAN at a lower interest rate than the City is earning on its investments. Although driven by market conditions, the net income to the City should be roughly 2% of the outstanding TRAN. If the City issues a TRAN for \$4 million, the additional interest income to the General Fund will be \$65,000 which is not subject to rebate.

FISCAL IMPACT

The proposed TRAN will be issued for a period of 12 months. The General Fund will recognize interest income to the extent that interest earnings exceed interest expense and issuance cost. Staff expects that this will be approximately \$65,000.

Following a lengthy discussion, the City Council, on motion of Council Member Mann, Snider second, adopted Resolution No. 93-61 authorizing the Mayor to enter into an agreement with the California Statewide Communities Development Authority (CSCDA) to issue "Tax and Revenue Anticipation Notes" (TRANS) by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

PROPOSAL TO HAVE THE SAN JOAQUIN COUNTY REGISTRAR OF VOTERS OFFICE TAKE RESPONSIBILITY FOR RECALL PROCEDURES

RESOLUTION NO. 93-66

CC-6 City Clerk Perrin presented the following report.

CC-18

CC-300

On May 10, 1993, a message was received from Mr. Adam Dados requesting that the City Clerk authorize the San Joaquin County Registrar of Voters to handle the recall procedures for Council Members Davenport, Pennino, Sieglock and Snider. Mr. George Cunningham, Registrar of Voters, has

offered to handle the recall proceedings if we so choose (see letter below).

"In the event the City of Lodi were to request the office of the Registrar of Voters to perform the duties of the Lodi City Clerk with regard to recall filings and elections, the office of the Registrar of Voters would consent. The cost of receiving and processing the appropriate papers would be minimal.

The cost of checking signatures is an additional expense. The cost of a special election is of course substantial.

FPPC filings should remain with the City Clerk"

The cost for the County Registrar of Voters Office to handle the recall procedures is minimal and it would be in addition to the costs of a Special Election which would come from the Election Account.

Speaking in favor of giving the authority to the San Joaquin County Registrar of Voters Office was the following person:

a) Adam Dados, 1101 Junewood Drive, Lodi.

On motion of Council Member Snider, Davenport second, the City Council adopted Resolution No. 93-66 authorizing the San Joaquin County Registrar of Voters to handle the duties related to the recall procedure by the following vote:

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

Noes: Council Members - Sieglock

Absent: Council Members - None

REQUEST BY ALL STATE PACKERS, INC.,  
6011 EAST PINE STREET, FOR ADDITIONAL  
WATER SERVICE FOR FIRE PROTECTION

CC-183 (C) Public Works Director Ronsko presented the following report.

The City of Lodi received the following letter from All State Packers, Inc., dated November 23, 1992, requesting additional water service exclusively for fire protection.

"My name is Peter Craig. I am the Operations Manager for All State Packers, Inc. All State Packers is located at 6011 East Pine Street; just past the Lodi traction line on the property north of Pine and paralleling the City limits boundary, between Pine Street and Victor Road.

250  
↓

Continued May 19, 1993

We currently have City water for domestic use. I would like to petition the City for additional water for the sole purpose of fire protection. Our past expansion, plus any future expansions, depend on our having a reliable source of water.

Upon approval, we will install hydrants per the Uniform Fire Code and located in accordance with Mokelumne Rural Fire District's regulations.

Thank you for your consideration in this matter."

Presented for Council's review was subsequent correspondence relating to this matter. (December 8, 1992 letter; March 29, 1993 letter; and April 26, 1993 letter).

The City Code reads as follows with respect to providing water service outside the City limits.

13.08.020 Rates outside City.

The City will not normally serve water outside the City limits. In those cases where it is authorized by the City Council, the rates shall be established by resolutions of the City Council. (Ord. 1333 Section 1 (9) (I), 1984; Prior Code Section 26-2).

The above City Code section requires that the City Council authorize any service outside the City limits.

The City of Lodi is presently serving All State Packers, Inc. with a 4" metered domestic water service and has for over 20 years. Their current rate is 1-1/2 times the rate of metered customers within the City limits. This rate has been a standard practice for several customers (4) outside the City limits. However, there is no monthly charge for any customers that have fire protection services.

Serving All State Packers, Inc. with a second water service for fire protection should be conditioned upon the following requirements:

1. All State Packers, Inc. agree to all applicable conditions of the Lodi City Code related to water service, cross connection, water conservation, etc.
2. All State Packers, Inc. pay any future fire service rate established by City Council (currently no fee is existing).

257

3. All State Packers, Inc. pay the appropriate water impact fee based on the acreage being served. The current fee is \$1,480 per acre.
4. All State Packers, Inc. pay \$4,315 for work performed by City forces to make available the actual connection point.
5. All State Packers, Inc. understands that their status will be that of any other water customer of the City. No special relationship is created hereunder.

All State Packers, Inc. has agreed to the above conditions.

If the City agrees with this request, staff will prepare a letter-type agreement covering the above items.

Speaking on the matter was Peter Craig, 19300 Wilderness Way, Woodbridge, on behalf of All State Packers, Inc.

The City Council, on motion of Council Member Snider, Mann second, unanimously approved the request by All State Packers, Inc., 6011 East Pine Street, Lodi, for additional water service for fire protection.

#### PRESERVATION OF RETIREMENT BENEFITS

#### RESOLUTION NO. 93-64

CC-34  
CC-300

Personnel Director Narloch presented the following report.

The condition of the economy has led many agencies to search for ways to cope with shrinking budgets. One alternative the City of Lodi may wish to consider is a temporary reduction of the salary or work hours of some or all of its employees. If the City chose this alternative it would not only result in lesser earnings for the employees, but it could also have the unintentional disadvantage of reducing their retirement benefits.

Normal payroll reporting for an employee following a reduction in his/her salary or earnings would result in either a lower compensation earnable or reduced service credit. By adopting the Preservation of Retirement Benefits, the City could maintain employees' payrates and earnings at the same amount and in the same way as they were reported prior to the reductions.

This procedure applies only to employees who suffer a loss of retirement benefits while continuing to work in the same position occupied prior to taking a temporary reduction in salary or working hours. It does not apply to demotions in

252  
✓

Continued May 19, 1993

lieu of layoff, transfer to part time positions, or any other personnel action where it would be appropriate that there be a salary change or a reduction in service credit.

On motion of Council Member Snider, Mann second, the City Council unanimously adopted Resolution No. 93-64 approving the Preservation of Retirement Benefits for employees affected by a temporary reduction in salary or reduced work hours.

AMENDMENT OF PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) CONTRACT TO PROVIDE SECTION 20818 (TWO-YEARS ADDITIONAL SERVICE CREDIT)

RESOLUTION NO. 93-65 ADOPTED  
ORDINANCE NO. 1576 INTRODUCED

CC-34  
CC-149  
CC-300

Personnel Director Narloch presented the following report.

The City has been considering various options in implementing budget cutbacks. Included in these options is a reduction in the workforce. In order to minimize or reduce the impact of this action, the City wishes to amend its contract with the Public Employees' Retirement System (PERS) to provide two-years additional service credit to employees who retire during a designated period if a mandatory transfer, layoff, or demotion is imminent and certain requirements are met.

The estimated cost of providing this option is approximately 50% of an employee's annual salary. This cost may be remitted to PERS in a lump sum payment within 30 days of billing or on a payment schedule spread out over a period of up to two years. Interest will be established based upon our current crediting rate (8.75%).

Following a few questions, the City Council, on motion of Council Member Snider, Mann second, unanimously adopted Resolution No. 93-65 entitled, "Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Lodi".

Further, the City Council, on motion of Council Member Davenport, Pennino second, unanimously introduced Ordinance No. 1576 amending the City of Lodi's contract with the Public Employees' Retirement System (PERS) by approving the Resolution of Intention to adopt Government Code Section 20818 (two-years additional service credit) for specified miscellaneous and safety members.

ORDINANCES

ORDINANCE ADDING CHAPTER 17.74  
TO LODI MUNICIPAL CODE RELATING  
TO ADMINISTRATIVE DEVIATIONS

ORDINANCE NO. 1575 ADOPTED

CC-6  
CC-149

Ordinance No. 1575 entitled, "An Ordinance of the City Council of the City of Lodi Adding Chapter 17.74 to the Lodi Municipal Code Relating to Administrative Deviations" having been introduced at a regular meeting of the Lodi City Council held May 5, 1993 was brought up for passage on motion of Mayor Pennino, Mann 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 - Davenport, Mann, Sieglock,  
Snider and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 2:02 a.m.

ATTEST:

  
Jennifer M. Perrin  
City Clerk