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v

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JUNE 16, 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 Skip Suess, Vinewood
Community Church.

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

PROCLAMATIONS/PRESENTATIONS

PARKS AND RECREATION MONTH

CC-37 Mayor Pennino presented Bob Johnson, Chairperson, Lodi
Parks and Recreation Commission, with a proclamation
proclaiming July as "Parks and Recreation Month".

Further, Mr. Johnson gave a brief report regarding the
activities of the Parks and Recreation
Department/Commission including the City-wide fishing
derby, boat races, Fourth of July Fireworks display,
various recreation class, Youth Sports Program, Discovery
Center, etc.

Mayor Pennino announced that the budget review meeting for
the Parks and Recreation Department would be June 23, 1993
at 7:00 p.m.

PRESENTATION BY SISTER CITY COMMITTEE

Keith Land, President, Lodi Sister City Committee,
presented the Mayor with a gold, silk-thread picture from
the Mayor of Kofu, Japan.

PRESENTATION OF SMALL BUSINESS BOOKLET

CC-400 A presentation was made to the Mayor by Gillian Murphy, San
Joaquin College, Small Business Development Center, of a
booklet entitled, "Resource Guide to Starting & Operating a
Small Business In Lodi".

CONSENT CALENDAR

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

Further, the following items were removed from the Consent Calendar and discussed and acted upon at the end of the agenda:

- a) Agenda item #E-4 entitled, "Specifications and advertisement for bids for Type II Slurry Seal for various City streets, 1993" (removed by Council Member Mann);
- b) Agenda item #E-5 entitled, "Purchase of asphalt materials for fiscal year 1993-94" (removed by Council Member Mann);
- c) Agenda item #E-6 entitled, "Purchase of rock and sand materials for fiscal year 1993-94" (removed by Council Member Mann);
- d) Agenda item #E-9 entitled, "Renewal of master lease between Lodi Grape Festival and National Wine Show, Inc. and City of Lodi" (removed by Mayor Pennino);
- e) Agenda item #E-11 entitled, "International City Management Association (ICMA) Deferred Compensation Plan and Trust Agreement" (removed by Council Member Davenport); and
- f) Agenda item #E-12 entitled, "Report on implementation of Planning and Development Fees" (removed by Council Member Davenport).

CLAIMS CC-21(a) Claims were approved in the amount of \$1,273,426.13.

MINUTES There were no minutes for approval.

PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR KOFU PARK HANDICAP WALKWAY, 1145 SOUTH HAM LANE APPROVED

CC-21.1(c) The City Council approved the plans and specifications for Kofu Park Handicap Walkway, 1145 South Ham Lane and authorized advertising for bids.

This project will use Community Development Block Grant funds to make the Kofu Park building handicap accessible. Steps in the walkway and at the building will be eliminated so that the access to the building will meet the requirements of the Americans with Disabilities Act. The

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use of Community Development Block Grant funds requires a formal bidding process for any project over \$2,000.00.

AGENDA ITEMS REMOVED FROM THE
CONSENT CALENDAR

Agenda item #E-4 entitled, "Specifications and advertisement for bids for Type II Slurry Seal for various City streets, 1993" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

Agenda item #E-5 entitled, "Purchase of asphalt materials for fiscal year 1993-94" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

Agenda item #E-6 entitled, "Purchase of rock and sand materials for fiscal year 1993-94" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

CONTRACT AWARDED FOR TRAFFIC SIGNAL AND
LIGHTING INSTALLATION, HIGHWAY 12
(KETTLEMAN LANE) AND CENTRAL AVENUE, AND
TURNER ROAD AND STOCKTON STREET/MIWOK DRIVE,
AND EXECUTED COOPERATIVE AGREEMENT #10-881
WITH THE STATE OF CALIFORNIA

RESOLUTION NO. 93-78

CC-12(a)
CC-90
CC-300

The City Council adopted Resolution No. 93-78 awarding the contract for Traffic Signal and Lighting Installation, Highway 12 (Kettleman Lane) and Central Avenue, and Turner Road and Stockton Street/Miwok Drive to B. Cantarutti Electric Co. in the amount of \$140,063.00, and approving State Cooperative Agreement #10-881 between the City of Lodi and the State of California.

This project is to install traffic signals at the intersection of Highway 12 (Kettleman Lane) and Central Avenue, and Turner Road and Stockton Street/Miwok Drive. Both intersections meet Caltrans signal warrants and are being funded with Federal funds and Street Development Impact Mitigation Fees.

The recommendation for the contract award is being made pending approval from Caltrans. The approval from Caltrans must be received by the City prior to the award of the contract, otherwise our Federal funding for this project may be jeopardized. This item will be pulled from the agenda if approval is not received before June 16.

It was also recommended that the City Council authorize the Mayor to execute State Cooperative Agreement #10-881

between the City of Lodi and the State of California for the traffic signal work at State Route 12 and Central Avenue. This standard agreement defines the responsibilities of the City and State in designing, installing, and maintaining the signals at this intersection. Basically, the State will maintain the signal and bill the City fifty percent of the costs.

Plans and specifications for this project were approved on April 21, 1993. The City received the following six (6) bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$ 171,406.50
B. Cantarutti Electric Co.	Novato	\$ 140,063.00
M & M Electric Co.	Sacramento	\$ 140,969.00
Collins Electric Co.	Stockton	\$ 149,433.00
Steiny & Co.	Vallejo	\$ 149,609.00
Richard Heaps Electrical	Sacramento	\$ 150,226.00
Wingard Engineering	Byron	\$ 152,979.00

AGREEMENT WITH BERNARD C. KOOYMAN,
DONNA K. KOOYMAN, SALEEM KAHN AND
BERNARD G. KOOYMAN FOR DEDICATION OF
RIGHT-OF-WAY ON LODI AVENUE AND RELOCATION
OF BUILDING WITH FUTURE STREET WIDENING
(360 EAST LODI AVENUE, AT CENTRAL AVENUE)
APPROVED

RESOLUTION NO. 93-79

CC-45(a) The City Council adopted Resolution No. 93-79 approving the
CC-90 agreement with Bernard C. Kooyman, Donna K. Kooyman, Saleem
CC-300 Kahn and Bernard G. Kooyman for dedication of right-of-way
 on Lodi Avenue and relocation of building with future
 street widening and directed the City Manager and City
 Clerk to execute the agreement on behalf of the City.

On March 24, 1993, Bernard C. Kooyman, Donna K. Kooyman, Saleem Kahn and Bernard G. Kooyman, owners of the property located at 360 East Lodi Avenue, Lodi, California, filed an application for a building permit for tenant improvements (interior remodeling) of the existing structure on their property. As a condition of the issuance of a building permit for the remodel, the Public Works Department required that a 5-foot right-of-way dedication and corner cutoff dedication be made (Lodi Municipal Code 15.44.060) to comply with minimum right-of-way widths required by the City of Lodi Public Improvement Design Standards and to allow the installation of a handicap ramp. Since the existing structure is located immediately behind the existing back of walk on Lodi Avenue, dedication of an

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additional 5 feet would place the structure in the public right-of-way.

As has been done for similar situations in the past, an agreement was developed whereby the owner would agree to dedicate the requested right-of-way in exchange for the City's assumption of responsibility for modifying the encroaching structure when Lodi Avenue is widened. The structural modifications would be of like design and construction to those in existence at the time of execution of the agreement. In addition, the City would be responsible for relocated street improvements. The City has no immediate plans to widen Lodi Avenue in this area.

A sketch showing the location of the dedication requested and a copy of the agreement are attached. The owner has executed the grant deed and the agreement.

AGENDA ITEM REMOVED FROM THE
CONSENT CALENDAR

Agenda item #E-9 entitled, "Renewal of master lease between Lodi Grape Festival and National Wine Show, Inc. and City of Lodi" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

ACCEPTED IMPROVEMENTS UNDER THE CONTRACT
FOR THE CONSTRUCTION OF BERMS AND
TRANSFORMER PAD AT MCLANE SUBSTATION

RESOLUTION NO. 93-80

CC-90 The City Council adopted Resolution No. 93-80 accepting
CC-300 the improvements under construction of berms and
 transformer pad at the McLane Substation and directed the
 Electric Utility Director to file a Notice of Completion
 with the County Recorder's Office.

The contract was awarded to Case Construction Co., Lodi, California, on January 6, 1993 in the amount of \$45,153 with subsequently approved Change Order (1) bringing the final contract price to \$47,643.29. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contractor's completion date was May 20, 1993.

AGENDA ITEMS REMOVED FROM THE
CONSENT CALENDAR

Agenda item #E-11 entitled, "International City Management Association (ICMA) Deferred Compensation Plan and Trust Agreement" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda.

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Agenda item #E-12 entitled, "Report on implementation of Planning and Development Fees" was removed from the Consent Calendar and discussed and acted upon at the end of 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:

CITY OF STOCKTON GENERAL PLAN

CC-6 Council Member Snider commented on an article that appeared in the Stockton Record regarding the Stockton Planning Commission's push to develop north to Armstrong Road, which has been a continuing battle between the City of Lodi and Stockton. Mr. Snider informed the public that a Shirtsleeve Session is scheduled for July 6, 1993 to discuss this matter and further requested that it also be scheduled for the July 7, 1993 City Council meeting so that Council may take a stand on the matter.

REMINDER OF BUDGET REVIEW MEETINGS

CC-21(b) Mayor Pennino reminded the public that the City is currently in the process of its budget review and has been holding review meetings which are open to the public. Mayor Pennino gave the following schedule of the meetings:

- a) Friday, June 18, 1993 at 7:00 a.m. to discuss City Attorney, City Manager, Personnel, Risk Management and Electric Utility;
- b) Tuesday, June 22, 1993 at 7:00 a.m. to discuss the Public Works Department;
- c) Wednesday, June 23, 1993 at 7:00 p.m. to discuss the Library and the Parks and Recreation Department; and
- d) Thursday, June 24, 1993 at 7:00 a.m. to continue discussing Public Works Department.

PUBLIC PARTICIPATION ENCOURAGED FOR BUDGET REVIEW MEETINGS

CC-21(b) Council Member Davenport expressed his concerns on the small number of people attending the budget review meetings and encouraged more people to attend and give their input.

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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:

REQUEST FOR ASSISTANCE FOR THE HANDICAPPED

CC-118 Kim Forberg, 18828 Lilac Street, Woodbridge, who is handicapped and confined to a wheelchair, explained some of the difficulties she experiences maneuvering throughout town (at the movies, stores, parks, etc.), and urged that this issue be addressed to help accommodate the handicapped.

Ms. Forberg received much support from the City Council for her courage in coming forth to express her feelings regarding this matter.

THANKS EXPRESSED TO THE CITY COUNCIL FOR
STREETS LIGHTS ON GARFIELD STREET

CC-6 Becky Bailey, 909 South Garfield Street, Lodi, read the
CC-45(g) following letter from the Heritage School PTA thanking the City of Lodi for the street lights that were installed on Garfield and Eden streets.

"The PTA of Heritage School wish to express our gratitude to the City of Lodi concerning street lights which are being installed on Garfield and Eden streets. In the evening the area around our school has always been dim. Lights being installed will help to make this area safer for those attending meetings and the local residents. We are looking forward to more involvement on the City level in making the Heritage area a safe place for our children to live and play. Again we thank you."

BUDGET CONCERNS EXPRESSED

CC-21(b) Frank Alegre, 2000 Edgewood Drive, Lodi, commented on the lack of people at the budget review sessions and encouraged people to show an interest and take part in the discussions. Mr. Alegre does not want to see the Park Rangers taken away from Lodi Lake and does not want the creation of any new titles.

RESPONSE REGARDING FLIERS

CC-6 George Garcia, 852 Daisy, Lodi, responded to comments made
CC-16 by Mr. Bob Murphy at the last City Council meeting
CC-18 regarding fliers being put into mail boxes. Mr. Garcia also gave his condolences to the family who lost their little boy in the recent fire on Kettleman Lane.

PUBLIC HEARINGS

CONTINUED PUBLIC HEARING REGARDING THE
PLANNING COMMISSIONS RECOMMENDATION FOR
A GENERAL PLAN AMENDMENT FOR REQUEST OF
J. JEFFREY KIRST (HELMLE) AND RONALD B.
THOMAS, ET AL (RICHARDS RANCH)

ORDINANCE NOS. 1578, 1579 AND 1580 INTRODUCED

CC-53(a) Council Member Snider abstained from discussion and voting
CC-149 on the matters pertaining to the request of J. Jeffrey
Kirst (Helmle project).

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 following:

1. Planning Commission's recommendation for a
General Plan Amendment on the following:
 - a) request of J. Jeffrey Kirst to
redesignate the parcels located within
the area bounded by the Woodbridge
Irrigation Canal on the north and east,
West Kettleman Lane (Highway 12) on the
south, and Lower Sacramento Road on the
west from PR, Planned Residential, and
O, Office to LDR, Low Density
Residential and O, Office; and
 - b) request of Ronald B. Thomas, et al to
redesignate the parcels at 13737 North
Cherokee Lane (APN 062-290-18) 2250
South Stockton Street (APN 062-290-08),
and 13845 North Cherokee Lane (APN
062-290-07) from PR, Planned
Residential to LDR, Low Density
Residential.
2. Planning Commission's recommendation to
approve the request of J. Jeffrey Kirst to
prezone the parcels within the area bounded
by the Woodbridge Irrigation Canal on the
north and east, West Kettleman Lane (Highway
12) on the south, and Lower Sacramento Road
on the west to R-1, Single-Family
Residential, R-2, Single-Family Residential
and R-C-P, Residential-Commercial-
Professional.
3. Planning Commission's recommendation to
approve the request of Ronald B. Thomas, et

al to prezone the parcels at 13737 North Cherokee Lane (APN 062-290-18), 2250 South Stockton Street (APN 062-290-07) R-2, Single-Family Residential.

- 4. Certifying the filing of negative declarations by the Community Development Director as adequate environmental documentation on the above projects.

(These matters were heard as one Public Hearing.)

Community Development Director Schroeder presented the following report.

Both of the requests are the first step toward annexation and are in conformance with the General Plan as adopted by the City Council on June 12, 1993. The PR, Planned Residential designation was put in the plan to provide the Planning Commission and City Council with a means to review each development project at the earliest possible stage. The LDR designation is for single-family densities.

The Kirst or Helmle project consists of an office-institutional designation along Kettleman Lane which can be constructed at any time. The remainder of those properties are in Phase II of residential development which does not occur until 1995 and later.

The Thomas or Richards Ranch project is in Phase I of residential development and could compete for allocations this year. It should be noted that the development plan shows an elementary school and neighborhood park. The school site has been requested by Lodi Unified School District and the park site conforms to the Parks Master Plan being considered by the City Council.

The pre zoning serves two purposes. First, it is required by the Local Agency Formation Commission (LAFCO) before reorganization (i.e. annexation) proceedings begin. Secondly, it makes the zoning map consistent with the General Plan.

- 1. Pre zoning of the parcels within the area bounded by Woodbridge Irrigation District Canal on the north and east; Kettleman Lane (State Route 12) on the south and Lower Sacramento Road on the west to R-1, Single-Family Residential, R-2, Single-Family Residential and R-C-P, Residential-Commercial-Professional (Helmle).

The R-C-P zoning matches the south side of Kettleman Lane. The R-1 zoning provides the necessary buffer for the Sunwest subdivision.

2. Rezoning of the parcels at 13737 North Cherokee Lane (APN 062-290-18), 2250 South Stockton Street (APN 062-290-08), and 13845 North Cherokee Lane (APN 062-290-07) R-2, Single-Family Residential.

The R-2, Single-Family zoning matches the surrounding zoning in the southeast area.

Since both projects conform to the General Plan, Negative Declarations are adequate environmental documentation.

Council Member Davenport expressed concerns that he did not want to approve both General Plan Amendments as one project, and they should be separated instead.

Mayor Pennino opened the hearing to the public to discuss only the request of J. Jeffrey Kirst (Helmle project). Speaking in support of the matter was Jeff Kirst, 109 River Meadows Drive, Lodi.

Mayor Pennino closed the public portion of the hearing regarding the Helmle project.

On motion of Council Member Davenport, Mann second, the City Council took a straw vote to approve the Planning Commission's recommendation for a General Plan Amendment on the request of J. Jeffrey Kirst to redesignate the parcels located within the area bounded by the Woodbridge Irrigation Canal on the north and east, West Kettleman Lane (Highway 12) on the south, and Lower Sacramento Road on the west from PR, Planned Residential, and O, Office to LDR, Low Density Residential and O, Office by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

Mayor Pennino then opened the hearing to the public to discuss only the matter regarding the request of Ron Thomas (Richards Ranch). The following persons spoke in support of the matter:

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- a) Jeff Kirst, 109 River Meadows Drive, Lodi, speaking on behalf of Ron Thomas; and
- b) David Witt, 371 East Century Boulevard, Lodi.

There being no one else wishing to speak on the matter, the Mayor closed the public portion of the hearing regarding the Richards Ranch project.

Following discussion regarding the matter, Council Member Davenport made a motion to table the request of Ron Thomas, and the motion died for lack of a second.

On motion of Council Member Snider, Mann second, the City Council took a straw vote to approve the Planning Commission's recommendation for a General Plan Amendment on the request of Ronald B. Thomas, et al to redesignate the parcels at 13737 North Cherokee Lane (APN 062-290-18), 2250 South Stockton Street (APN 062-290-07) from PR, Planned Residential to LDR, Low Density Residential by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

FINAL ACTIONS:

On motion of Mayor Pennino, Davenport second, the City Council approved certifying the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the request of J. Jeffrey Kirst (Helmle) by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

On motion of Council Member Sieglock, Mann second, the City Council approved certifying the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the request of Ronald B. Thomas, et al (Richards Ranch) by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

(Introduction of Ordinance No. 1578 was separated into two votes.) On motion of Mayor Pennino, Mann second, the City Council introduced Ordinance No. 1578 approving only the portion of the request of J. Jeffrey Kirst to redesignate the parcels located within the area bounded by the Woodbridge Irrigation Canal on the north and east, West Kettleman Lane (Highway 12) on the south, and Lower Sacramento Road on the west from PR, Planned Residential, and O, Office to LDR, Low Density Residential and O, Office by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

On motion of Council Member Sieglock, Snider second, the City Council introduced Ordinance No. 1578 approving only the portion of the request of Ronald B. Thomas et al to redesignate the parcels at 13737 North Cherokee Lane (APN 062-290-18), 2250 South Stockton Street (APN 062-290-08), and 13845 North Cherokee Lane (APN 062-290-07) from PR, Planned Residential to LDR, Low Density Residential by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

On motion of Council Member Mann, Davenport second, the City Council introduced Ordinance No. 1579 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Prezoning the Parcels Located Within the Area Bounded By the Woodbridge Irrigation District Canal on the North and East; Kettleman Lane (State Route 12) on the South, and Lower Sacramento Road on the West (APN's 027-040-10, 11, 12, 16, 17, 32, 63, 64, 65, 66 and APN's 031-040-07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 19 and 20) to R-1, Single-Family Residential, R-2 Single-Family Residential and R-C-P,

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Residential-Commercial-Professional, With a Condition Relating to School Facilities Funding" by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

On motion of Council Member Sieglock, Snider second, the City Council introduced Ordinance No. 1580 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the Parcels Located at 13737 North Cherokee Lane (APN 062-290-18), 2250 South Stockton Street (APN 062-290-08), and 13845 North Cherokee Lane (APN 062-290-07) R-2, Single-Family Residential, With a Condition Relating to School Facilities Funding" by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 9:27 p.m.

PUBLIC HEARING TO CONSIDER 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

ORDINANCE NO. 1581 INTRODUCED

CC-6
CC-48(a)
CC-149

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 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.

Assistant City Engineer Prima and Public Works Director Ronsko presented the following report.

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

This list does not include complaints received at locations where truck parking is illegal under the existing truck parking ordinance. 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". Since the May 19 Meeting, when the public hearing on this item was set, one minor change was made in the draft ordinance related to how the distance is measured. This restriction would be in effect every day 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 which was 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

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✓

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 located in a commercial zone surrounded by commercial and industrial uses. The proposed 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 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 in commercial zones. Also, as previously discussed, the existing commercial vehicle parking restriction in residential zones 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. This informational sheet will be sent to the Police Department for enforcement purposes and will be available as a handout for the public. 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 add Section 10.52.080 to Title 10 of the Lodi Municipal Code with the restriction applying every day 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).

Mayor Pennino opened the hearing to the public and the following persons spoke regarding the matter.

- a) Penny Mattos, 944 South Stockton Street, Lodi (support);
- b) David Witt, 371 East Century Boulevard, Lodi (support);
- c) John Mattos, 944 South Stockton Street, Lodi (support);
- d) Lu Benson, 714 North Mills Avenue, Lodi (support);
- e) Virginia Snyder, P.O. Box 2444, Lodi (support);
- f) Frank Alegre, 2000 Edgewood Drive, Lodi (supports ordinance, but had suggestions regarding enforcement); and
- g) Gary Lund, P.O. Box 22, Lodi (oppose).

There being no one else wishing to speak on the matter, Mayor Pennino closed the public portion of the hearing.

Following discussion, the City Council, on motion of Council Member Snider, Sieglock second, unanimously introduced Ordinance No. 1581 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 and approved Method 1 of signing which would put signs at all major entrances to the City and provide a warning prior to issuing citations.

Further, Council Member Sieglock stated he would very much like to see maps and information sent to all packing and trucking companies to inform the drivers of this new ordinance.

PUBLIC HEARING REGARDING WEED ABATEMENT
PROCEEDINGS INVOLVING VARIOUS PARCELS
WITHIN THE CITY OF LODI TO ALLOW PROPERTY
OWNERS HAVING OBJECTIONS TO THE PROPOSED
REMOVAL OF WEEDS TO BE HEARD AND GIVEN
DUE CONSIDERATION

RESOLUTION NO. 93-82

CC-24 (b)
CC-300

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 weed abatement proceedings involving various parcels within the City of Lodi to allow property owners having objections to the proposed removal of weeds to be heard and given due consideration.

Fire Marshal Gorbet presented the following information.

At the City Council meeting of June 2, 1993 the Lodi City Council adopted Resolution No. 93-74 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings On Various Parcels throughout the City.

Pursuant to State of California Government Code Section 39500 et seq., a Notice to Destroy Weeds and Remove Rubbish, Refuse, and Dirt, was published, mailed under Declaration of Mailing to each of the involved property owners, and posted on the subject properties as determined by the City Attorney and the Fire Inspector. The purpose of this public hearing is for property owners having any objections to the proposed abatement to be heard and given due consideration.

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The Fire Department advised that since the adoption of Resolution No. 93-74 numerous property owners have abated the weeds on their property, and he provided the City Council with a list of the parcels that were still not in compliance following final inspection by the Fire Inspector.

Following the public hearing and receipt of public testimony regarding the matter, it would be in order for the Council to adopt the Resolution No. 93-82 - Resolution Overruling Objections and Proceeding with Abatement.

Mayor Pennino opened the hearing to the public. There being no one wishing to speak on the matter, the Mayor closed the public portion of the hearing.

On motion of Council Member Sieglock, Pennino second, the City Council unanimously adopted Resolution No. 93-82 entitled, "Resolution Overruling Objections and Proceeding with Weed Abatement Before the City Council of the City of Lodi".

COMMUNICATIONS
(CITY CLERK)

REPORTS

The following reports were presented:

CC-2 (h)

Parks and Recreation Commission

The agenda stated that Bob Johnson, Chairman, Lodi Parks and Recreation Commission, would be presenting a report; however, Mr. Johnson made his brief report under "Presentations" at the beginning of the agenda.

APPOINTMENTS TO THE EAST SIDE IMPROVEMENT COMMITTEE

CC-2 (s)

At the February 17, 1993 City Council meeting, the City Clerk was directed to post for the newly created East Side Improvement Committee. At the meeting of April 21, 1993, the City Council appointed 13 members to the Committee. There are currently two positions still available on the committee.

On motion of Council Member Davenport, Pennino second, the City Council unanimously appointed the following persons to the East Side Improvement Committee:

LODI EAST SIDE IMPROVEMENT COMMITTEE

- Lorrie King
- Joann Mounce

APPOINTMENTS TO THE GREATER LODI YOUTH COMMISSION

CC-2(t)

At the April 21, 1993 City Council meeting, the City Clerk was directed to post for the newly created Greater Lodi Youth Commission. The Committee will consist of 11 members with the Present of the Lodi Unified School District Board and the Mayor of the City of Lodi acting as ad hoc committee members.

On motion of Council Member Mann, Sieglock second, the City Council unanimously appointed the following persons to the Greater Lodi Youth Commission:

GREATER LODI YOUTH COMMISSION

- Gary Alegre
- Nancy Dobler
- Marilyn Field
- Mary Fritts
- Jeff Glenn
- Charlene Lange
- Gary Lund
- Debra Parkins
- Phillip Pennino
- William Pirtle
- Rick Souza

REGULAR CALENDAR

LEASE FOR GOLF DRIVING RANGE AT THE
LODI GRAPE FESTIVAL GROUNDS

CC-7(p)
CC-90

City Manager Peterson presented the following report.

For several decades, the City of Lodi has leased space on the grounds of the Lodi Grape Festival and National Wine Show for the operation of a golf driving range. The space has then been sub-leased to a driving range operator who has paid the City a percentage of the revenue derived from golf ball rentals. The operation has been satisfactory for many years until very recently. The combination of improved golfing equipment and the increasing popularity of the game has brought to the range greater numbers of people who are able to hit golf balls considerably longer distances than in the past.

The residents of Murray Street, which is north of and adjacent to the golf driving range, have lodged a number of complaints with the City regarding golf balls clearing the protective fence and landing on private property. City staff met last week with area residents, the driving range operator and the Executive Director of the Lodi Grape Festival and National Wine Show to discuss this matter and review the possible solutions. At that meeting, it was

agreed that, on an interim basis, the hitting of golf balls would be restricted to iron clubs only (no woods). That restriction did little to prevent golf balls from leaving the confines of the driving range. Staff received calls from residents of the area shortly after the meeting regarding golf balls still coming over the protective screen. An on-site visit confirmed these complaints.

It is obvious that the golf driving range can no longer be accommodated at its present location. In view of this, it was recommended that the lease with Mr. Choo for the operation of the range not be renewed. It is scheduled to expire June 30, 1993.

Staff had scheduled a meeting with Mr. Choo and his representative, Robert Mertz, Esquire, to discuss alternate locations for a new golf driving range, and the results of this meeting were reviewed with the City Council.

City Manager Peterson read the following letter from Mark A. Armstrong, General Manager, Lodi Grape Festival & Harvest Fair.

"At the June 8, 1993, Executive Committee meeting of the Lodi Grape Festival Board of Directors, it was decided that our organization would accept the decision of the City Council as to whether to extend or terminate the lease with Ken Choo, Lodi Golf Range operator.

If the range is allowed to stay open beyond June 30, 1993, the current lease agreement's time period, while an alternative site is explored, we recommend that that period of operation not extend past August 31, 1993. In light of the suddenness of this decision, we would waive our rent fees for July and August; however, we want the range to continue to operate under the 'irons only' restriction."

Speaking on the matter were the following persons:

- a) Daisy Bulik, 510 Murray Street, Lodi (in support of terminating the lease);
- b) Don Minatree, 510 Murray Street, Lodi (in support of terminating the lease);
- c) Bob Mertz, 111 West Pine Street, Lodi, speaking on behalf of Kenneth Choo (against terminating the lease); and
- d) Kenneth Choo, 531 East Lockeford Street, Lodi (against terminating the lease).

Following a lengthy discussion, the City Council, on motion of Council Member Sieglock, Snider second, renewed the

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lease agreement between the City of Lodi and Mr. Kenneth Choo for the operation of the golf driving range on the grounds of Lodi Grape Festival and National Wine Show at the intersection of North Cherokee Lane and East Lockeford Street for a 60-day period to expire on August 31, 1993 with certain conditions by the following vote:

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

Noes: Council Members - Mann

Absent: Council Members - None

It was understood that if the problem continued, the lease would be terminated.

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, Sieglock second, the City Council determined it would continue with the remainder of the meeting by the following vote:

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

Noes: Council Members - Snider

Absent: Council Members - None

RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 11:50 p.m.

ADOPT-A-PARK PROGRAM

CC-6
CC-27(c)

Parks and Recreation Director Williamson presented the following report.

Generally, this is the City's attempt to involve the community, service clubs/organizations, businesses, individual families or area interest groups in projects, maintenance, neighborhood watch, etc., in various parks and/or areas of same.

Staff heard a lot about adopt-a-park programs when we physically contacted other cities, etc. They said they just get a group, organization, or whomever to do projects or maintenance on an ongoing basis. Our feeling is we want to do this also, but to more commit whomever to an agreement with stipulations, tasks to be done, projects to

be completed, controls on same, and a period of time for said agreement.

This concept and agreement has been approved by the Parks and Recreation Commission and suggested it be moved on to the Council for adoption. It is hoped with this now in place and the publicity from same, plus our efforts to market the concept, we will get inquiries into this program and some adopt-a-park programs will come about.

Recognition for various groups, organizations, businesses, etc., would be by park signage, much like the State of California program. We would indicate Adopt-A-Park and the party adopting said park.

Parks and Recreation Director Williamson suggested that as a group/organization is interested in adopting a park, that recognition by sign be done at a place visual to the public (like the State program)-a sign designating the program and who has adopted the park, facility, or area. Cost per sign would run about \$150.00 to \$250.00. We would only ask for this money upon adoption of a park. Funds would come from the current park operating budget or through a special allocation request.

On motion of Council Member Snider, Sieglock second, the City Council unanimously approved the Adopt-A-Park concept to be implemented when the opportunity arises.

CONTRACT AWARDED FOR DIAL-A-RIDE RADIO SYSTEM

RESOLUTION NO. 93-83

CC-12(d)
CC-47
CC-50(b)
CC-300

Administrative Assistant to the City Manager Keeter presented the following information.

The Dial-A-Ride program is in need of a radio system to provide communications between the dispatcher and drivers. The City is currently renting a radio system for Dial-A-Ride, but has received funding through the Transportation Development Act (TDA) to purchase a communications system for the program.

Requests for Proposal (RFPs) were mailed to four vendors; four responded prior to the submission deadline. A summary of proposed equipment costs, including shipping, programming, tax and installation, follows. Monthly repeater fees are also indicated.

	<u>Equipment</u>	<u>Repeater Fees/Month</u>
1. McGee Communications Electronics, Inc.	\$12,961.80	\$104.00
2. Lagorio Communications	\$14,046.70	\$165.00
3. Motorola, Inc.	\$17,937.93	\$142.50
4. Nor-Cal Communications - Did not wish to submit a proposal but wants to remain on consideration list for future communication proposals.		

While McGee Communications' proposal is \$1,084.90 less than Lagorio Communications' cost for equipment, it was staff's recommendation that the City contract with Lagorio for compatible Motorola radio equipment as originally recommended.

The recommendation for contracting with Lagorio is based on the assertion that it is in the City's best interest to standardize on radio equipment which is compatible with the City's existing communications system. Equipment proposed by McGee Communications is not compatible with the City's Motorola equipment and, if installed in the Dial-A-Ride system, would require purchase of additional non-compatible units as the program expands. The City presently has Motorola equipment in Public Works, Electric Utilities, Police and Fire Departments. The City's radio needs will continue to grow and the City will therefore continue to add onto the radio communications system. The City should strive to standardize equipment, not diversify.

Each company submitted a list of references to the City which staff contacted via telephone. McGee Communications received less than favorable comments from one reference and marginally good comments from the second. One reference stated that his business is considering going to a different system and that they are not at all enthused with McGee Communications.

Lagorio and Motorola are both highly reputable companies with strong and positive references. As mentioned previously, the City currently has Lagorio and Motorola equipment in use by the Public Works, Electric Utility, Fire, and Police Departments. The City's experience with both companies has been favorable. San Joaquin County is also pleased with their Motorola equipment in use throughout their departments.

Lagorio and Motorola both offered lease and lease/purchase options for the proposed radio system. The additional cost for the lease options would add \$2,965.30 to Lagorio's proposal and \$2,038.59 to Motorola's proposal for a three year lease term. Although a representative from McGee

Communications contended at the April 7, 1993 City Council meeting that they could provide radios to the City at a very attractive rental price, McGee Communications neglected to include a lease and lease/purchase option in their proposal.

Based on the references, the desire to standardize, and the City's past and current service satisfaction with Lagorio Communications, it was staff's recommendation that the City Council award the Dial-A-Ride radio contract to Lagorio Communications.

As an aside, CalTrans has offered a pallet of old radios which they are willing to donate to the City at no cost. Upon investigation, it turns out the radios are on a low band which will not be compatible with any other radio owned by the City. In addition, it is virtually impossible to obtain a low band frequency from the Federal Communications Commission (FCC).

Although the radios are no cost initially, the cost to recystal, program and install the radios would be approximately \$350 per radio or nearly \$4,550 for equipment which is between 12 and 15 years old. A CalTrans representative did state that "all bands are taken up, but State OES may have a low band for the City to piggyback." He also stated that "the General Electric radios are old tube sets and are not good radios". It was City staff's recommendation that the City thank CalTrans for the offer, but decline due to the nature of the radios and the fact that the City has TDA funding to purchase a new system which will be able to easily accommodate future expansion.

Speaking on the matter were the following persons:

- a) Walt Saxton, 1450 Park Street, Lodi (in support of contracting with low bidder);
- b) Jim Mellinger, McGee Communications, P.O. Box 8750, Stockton (in support of contracting with low bidder);
- c) Steve Finch, Lagorio Communications, 217 Las Palmas, Modesto (opposed to contracting with low bidder);
- d) Frank Alegre, 2000 Edgewood Drive, Lodi (in support of contracting with low bidder); and
- e) Jean Davenport, 445 Almond Drive #45, Lodi, expressed some concerns about a possible conflict of interest.

Following a very lengthy discussion, the City Council, on motion of Council Member Snider, Mann second, adopted Resolution No. 93-81 awarding the purchase of radio equipment for the Dial-A-Ride program to Lagorio Communications of Manteca in the amount of \$14,046.70 by the following vote:

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

Noes: Council Members - Davenport and Sieglock

Absent: Council Members - None

SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS (COG)
1993-94 BUDGET NOT RECEIVED

CC-7(n)
CC-21(b)

City Manager Peterson introduced the following matter:

The City has received the 1993-94 adopted COG budget. Their executive officer has requested this budget be placed on a forthcoming agenda prior to June 30, 1993. The budget is nearly \$400,000 less than the adopted 1992-93 budget. The major reductions are in the elimination or reduction of professional services for specific projects.

This budget has been approved by the COG Board of Directors. Pursuant to the COG's Joint Powers Agreement, following adoption of the budget by the Board, it is to be presented to member agencies for ratification by each governing body.

A budget highlight memo was presented for the City Council's review. Bart Meays, Executive Director, and Steve Dial, Manager of Finance and Administration, with COG were present at the meeting, presented an overview of the COG budget and answered questions from the City Council.

Following discussion regarding the matter, the City Council, on motion of Council Member Davenport, Sieglock second, voted not to ratify the San Joaquin County Council of Governments (COG) 1993-94 budget by the following vote:

Ayes: Council Members - Davenport, Mann and Sieglock

Noes: Council Members - Snider and Pennino (Mayor)

Absent: Council Members - None

CONTINUING RESOLUTION AUTHORITY FOR 1993-94
OPERATING BUDGET NOT ADOPTED

CC-21(b)

The following information was presented by Finance Director Flynn.

At this time, it appears that the City Council may not be able to complete budget deliberations and adopt an operating budget for Fiscal Year 1993-94 prior to July 1, 1993. Accordingly, the City Manager will be required to terminate City services and furlough City employees until such time as a budget is approved by the City Council unless otherwise directed and authorized by the City Council under continuing resolution authority.

Continuing resolution authority is authority to continue services and to pay bills and payrolls at a level consistent with the prior year budget. As such, adoption of the continuing resolution authority will allow the City Manager to conduct City business at currently approved levels and to purchase supplies, materials and services consistent with service levels, salaries and operating costs consistent with Fiscal Year 1992-93. As such the continuing resolution authority does not authorize the City Manager to make any of the following changes in services:

- Begin new services or change service levels except those explicitly authorized by the City Council after July 1, 1993.
- Increase or change employee compensation except by agreement approved prior to July 1, 1993 or explicitly authorized by the City Council after July 1, 1993.
- Hire new employees or reclassify employees after July 1, 1993 except when explicitly authorized by the City Council.
- Establish new contracts or agreements after July 1, 1993 regardless of amount except those contracts and agreement explicitly authorized by the City Council.

FISCAL IMPACT

Will limit expenditures paid by warrant or wire transfer by fund to a level not greater than authorized in the 1992-93 budget.

Following a brief discussion, the City Council took no action regarding the "continuing resolution authority" for the 1993-94 budget. Council felt that adoption of this resolution gives an excuse to not adopt a budget on time, and they felt confident that they would be able to meet this goal.

ARBITRAGE REBATE SERVICES AGREEMENT

CC-21(a)

The following was presented by Finance Director Flynn.

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On February 19, 1992, the City Council authorized the City Manager to enter into an agreement with Jones, Hall, Hill & White to prepare the arbitrage calculation as discussed in the Council Communication dated February 19, 1992.

On April 19, 1993, Jones, Hall, Hill & White notified the City that they had made a decision to discontinue offering rebate calculation services and asked that Lodi transfer the arbitrage service contract to Ernst & Young. Ernst & Young is a nationally recognized accounting firm who offers these services to local government for the same fee charged by Jones, Hall, Hill & White.

On April 21, 1993, Ernst & Young contacted the City and requested that we enter into a contract with them to provide arbitrage rebate calculations. They had been contacted by Jones, Hall, Hill & White and requested to provide these services.

FISCAL IMPACT

No additional cost will be incurred by the City. The remaining cost to the City over the next three years will be \$7,500.

On motion of Council Member Sieglock, Pennino second, the City Council authorized the City Manager to terminate the contract with Jones, Hall, Hill & White to provide arbitrage rebate calculations and enter into an agreement with Ernst & Young to provide these services by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

ORDINANCES None

AGENDA ITEMS #E-4, 5 AND 6 APPROVED

Council Member Mann had removed agenda items #E-4, 5 and 6 from the Consent Calendar due to concerns regarding the funding. Following discussion, on motion of Council Member Mann, Sieglock second, the City Council unanimously approved the following matters (agenda items #E-4, 5 and 6).

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Continued June 16, 1993

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS
FOR TYPE II SLURRY SEAL FOR VARIOUS
CITY STREETS, 1993 APPROVED

CC-12.1(c) Slurry sealing of City streets is done annually by contract. Funds to accomplish the project are included in the 1993-94 Operating Budget.

The City Council approved the specifications for Type II Slurry Seal for various City streets, 1993 and authorized advertising for bids (see vote on page 28).

PURCHASE OF ASPHALT MATERIALS FOR FISCAL
YEAR 1993-94 APPROVED

RESOLUTION NO. 93-76

CC-90 The specifications for asphalt material were approved by
CC-300 the City Council at its meeting on May 19, 1993 and four bids were received on June 2, 1993. The cost of asphalt has decreased approximately 14% per ton FOB and increased approximately 6% delivered to hopper of paver since the last bid was received in July, 1992.

The City Council adopted Resolution No. 93-76 awarding the purchase of asphalt materials for the fiscal year 1993-94, Items 1A and 1B to George Reed, Inc. of Lodi, California and Item 1C to FTG Construction Materials, Inc. of Lodi, California (see vote on page 28).

PURCHASE OF ROCK AND SAND MATERIALS FOR
FISCAL YEAR 1993-94 APPROVED

RESOLUTION NO. 93-77

CC-90 The specifications for rock and sand material were approved
CC-300 by the City Council at its meeting on May 19, 1993 and three bids were received on June 2, 1993.

The City Council adopted Resolution No. 93-77 awarding the purchase of rock and sand material for the fiscal year 1993-94, Items 1, 2 and 3 to FTG Construction Materials, Inc. of Lodi, California (see vote on page 28).

RENEWAL OF MASTER LEASE BETWEEN LODI GRAPE
FESTIVAL AND NATIONAL WINE SHOW, INC.
AND CITY OF LODI

CC-7(p) The Parks and Recreation Department uses two buildings on
CC-90 the Grape Festival grounds for major program offerings.

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It was recommended that the City Council renew the three-year master lease between the City of Lodi and the Lodi Grape Festival and National Wine Show, Inc. The first year's rent is \$14,000.00 and the subsequent annual rent is negotiated.

Mayor Pennino had concerns on the cost of the lease and felt that it could be lowered due to the amount of assistance it receives from the Lodi Police Department especially during the Lodi Grape Festival.

On motion of Council Member Snider, Sieglock second, the City Council renewed the three-year master lease between the City of Lodi and the Lodi Grape Festival and National Wine Show, Inc. by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock and Snider

Noes: Council Members - Pennino (Mayor)

Absent: Council Members - None

INTERNATIONAL CITY MANAGEMENT ASSOCIATION (ICMA)
DEFERRED COMPENSATION PLAN AND TRUST AGREEMENT

RESOLUTION NO. 93-75

CC-34 The Council had authorized the City to include the ICMA
CC-90 Retirement Corporation Deferred Compensation Plan as an
CC-300 additional option for employees.

The final action required by the City Council is to adopt the Plan document and execute the Declaration of Trust.

This Plan document and Trust are the same documents all public employers adopt and execute when using ICMA Retirement Corporation as an investment vehicle for their employees deferred income plans.

Following a brief discussion, the City Council, on motion of Council Member Davenport, Sieglock second, unanimously adopted Resolution No. 93-75 approving the International City Management Association (ICMA) Retirement Corporation Deferred Compensation Plan and executed the appropriate Trust Agreement.

REPORT ON IMPLEMENTATION OF PLANNING AND
DEVELOPMENT FEES

CC-6 On April 7, 1993, the City Council adopted Resolution
CC-56 93-46. The information given to Council as part of that resolution adopted those fees over \$500 over a two-year period. When Council adopted that resolution, it was with

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Continued June 16, 1993

the direction that fees be implemented over a 3-year period and to reevaluate Site Plan and Architectural Review (SPARC) fees.

The schedule that shows the calculations Council adopted was presented. It was pointed out that SPARC fees were not included, as the Planning Commission, at Council's direction, is reevaluating and defining the mission and role of SPARC. When those findings and recommendations come before Council, appropriate fees will be included.

Following brief questions, the City Council, on motion of Council Member Davenport, Mann second, unanimously received the report regarding the implementation of planning and development fees.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 2:05 a.m. to Friday, June 18, 1993 at 7:00 a.m.

ATTEST:


Jennifer M. Perrin
City Clerk