

1274

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 5, 1992
7:30 P.M.

ROLL CALL Present: Council Members - Hinchman, Pennino,
Sieglock, Snider, and Pinkerton (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
Reimche

INVOCATION The invocation was given by Pastor David Mitchell, First
Baptist Church.

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

PRESENTATIONS

PROCLAMATIONS Mayor Pinkerton presented a proclamation proclaiming the
period of January 24, 1992 through February 14, 1992 as
CC-37 "Girl Scout Cookie Week".

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.

Council Member Snider abstained from discussion and voting
because of a possible conflict of interest on Agenda item
#E-15 entitled, "Improvement Agreement and right-of-way
transfer for Sunwest Plaza, southeast corner of Lower
Sacramento Road and Kettleman Lane, Lodi, California".

CLAIMS CC-21(a) Claims were approved in the amount of \$4,454,751.34.

MINUTES The Minutes of November 20, 1991 (Regular Meeting),
December 4, 1991 (Regular Meeting), December 18, 1991
(Regular Meeting), January 2, 1992 (Regular Meeting),
January 2, 1992 (Special Joint Meeting), and January 15,
1992 (Regular Meeting) were approved as written.

PROPOSED COMPLETION OF JOHNSON RANCH II REORGANIZATION, INCLUDING ANNEXATION TO THE CITY OF LODI AND DETACHMENT FROM CERTAIN DISTRICTS (LOCATED WEST OF SOUTH CHEROKEE LANE, 1,287 FEET NORTH OF HARNEY LANE: 995 FEET EAST OF SOUTH STOCKTON STREET AND ADJACENT TO JOHNSON RANCH I ON THE NORTH APPROVED

RESOLUTION NO. 92-15 APPROVED

CC-8(a)
CC-300

The City Council adopted Resolution No. 92-15 approving the Johnson Ranch II Reorganization, including annexation to the City of Lodi and detachment from the Woodbridge Fire District and the SJC Resource Conservation District with certain conditions.

The City Council was advised that on November 20, 1991 the City Council adopted Resolution No. 91-209 entitled, "A Resolution of the Lodi City Council for Application to the San Joaquin County Local Agency Formation Commission in the Matter of the Proposed 'Johnson Ranch II Addition' Including the Detachment of Certain Territory Within the Area Proposed for Annexation to the City of Lodi".

Following a public hearing regarding the matter held on January 17, 1992 by the San Joaquin County Local Agency Formation Commission, LAFCO adopted Resolution No. 843 approving the Johnson Ranch II Reorganization (LAFCO 23-91) Including Annexation to the City of Lodi and Detachment from the Woodbridge Fire District and the SJC Resource Conservation District with conditions:

- a) The Johnson Ranch II Addition is located west of South Cherokee Lane, 1,287 feet north of Harney Lane; 995 feet east of South Stockton Street and adjacent to Johnson Ranch I on the north. It is addressed as 13977 North Cherokee Lane (APN's 062-290-04, 05 and 06) and contains 36 acres, more or less, which includes the adjacent State Route 99 right-of-way.

Earlier the City Council adopted Ordinance No. 1537 which rezoned 13977 North Cherokee Lane R-2, Single-Family Residential as requested by Russ Munson. The rezoning was required by the San Joaquin Local Agency Formation Commission and is the first step in the annexation/reorganization process.

PROPOSED COMPLETION OF BATCH REORGANIZATION,
INCLUDING ANNEXATION TO THE CITY OF LODI
AND DETACHMENT FROM CERTAIN DISTRICTS
(BOUNDED BY LODI PARK WEST SUBDIVISION ON
THE NORTH, LOWER SACRAMENTO ROAD ON THE EAST,
AND THE WOODBRIDGE IRRIGATION CANAL ON THE
SOUTH AND WEST)

RESOLUTION NO. 92-16 APPROVED

CC-8(a)
CC-300

The City Council adopted Resolution No. 92-16 approving the Batch Reorganization, including annexation to the City of Lodi and detachment from the Woodbridge Fire District, the Woodbridge Water Users Conservation District, and the SJC Resource Conservation District with certain conditions.

On November 20, 1991 the City Council adopted Resolution No. 91-208 entitled, "A Resolution of the Lodi City Council for Application to the San Joaquin County Local Agency Formation Commission in the Matter of the Proposed 'Lodi West Addition (Robert Batch Property) Addition' Including Detachment of Certain Territory Within the Area Proposed for Annexation to the City of Lodi".

Following a public hearing regarding the matter held on January 17, 1992 by the San Joaquin County Local Agency Formation Commission, LAFCO adopted Resolution No. 844 approving the Batch Reorganization (LAFCO 22-91) Including Annexation to the City of Lodi and Detachment from the Woodbridge Fire District, the Woodbridge Water Users Conservation District, and the SJC Resource Conservation District with certain conditions:

It should be noted that for tracking purposes LAFCO has changed the title of this reorganization from Lodi West Addition (Robert Batch Property) to Batch Reorganization.

- a) The subject parcel is bounded by Lodi Park West Subdivision on the north, Lower Sacramento Road on the east, and the Woodbridge Irrigation District canal on the south and west. It is addressed as 16891 North Lower Sacramento Road (APN 029-030-33) and contains 100.1 acres.

Earlier the City Council adopted Ordinance No. 1530 which rezoned 16891 North Lower Sacramento Road, R-1, Single-Family Residential, R-2, Single-Family Residential and PD(29) Planned Development District No. 29, as requested by Baumbach and Piazza, Inc. on behalf of Robert Batch. The rezoning was required by the San Joaquin Local Agency Formation Commission and is the first step in the annexation/reorganization process.

PROPOSED COMPLETION OF TOWNE RANCH REORGANIZATION, INCLUDING ANNEXATION TO THE CITY OF LODI AND DETACHMENT FROM CERTAIN DISTRICTS (LOCATED AT THE SOUTHWEST CORNER OF TURNER ROAD AND LOWER SACRAMENTO ROAD)

RESOLUTION NO. 92-17 APPROVED

CC-8(a)
CC-300

The City Council adopted Resolution No. 92-17 approving the Towne Ranch Reorganization, including annexation to the City of Lodi and detachment from the Woodbridge Fire District, the Woodbridge Irrigation District, the Woodbridge Water Users Conservation District, and the SJC Resource Conservation District with certain conditions.

On November 20, 1991 the City Council adopted Resolution No. 92-207 entitled, "A Resolution of the Lodi City Council for Application to the San Joaquin County Local Agency Formation Commission in the Matter of the Proposed 'Towne Ranch Addition' Including the Detachment of Certain Territory Within the Area Proposed for Annexation to the City of Lodi".

Following a public hearing regarding the matter held on January 17, 1992 by the San Joaquin County Local Agency Formation Commission, LAFCO adopted Resolution No. 845 approving Towne Ranch Reorganization (LAFCO 24-91) Including Annexation to the City of Lodi and Detachment from the Woodbridge Fire District, the Woodbridge Irrigation District, the Woodbridge Water Users Conservation District, and the SJC Resource Conservation District with conditions:

- a) The Towne Ranch Addition encompasses two parcels, 150 East Turner Road (APN 029-030-01) and 398 East Turner Road (APN 029-030-42). It contains 81.29 acres and is located at the southwest corner of Turner Road and Lower Sacramento Road.

Earlier the City Council adopted Ordinance No. 1529 which rezoned 150 East Turner Road and 398 East Turner Road to R-2, Single-Family Residential as requested by Baumbach and Piazza, Inc. on behalf of Bruce Towne. The rezoning was required by the San Joaquin Local Agency Formation Commission and is the first step in the annexation/reorganization process.

SALE OF SCRAP WIRE AND METAL

CC-20
CC-47

The City Council authorized the advertisement for bids for the sale of one lot of scrap wire and metal.

The City Council was advised that during the course of operations the City utility departments generate quantities of scrap wire and metal. Periodically, the City will sell such quantities to scrap metal dealers on a highest-bid, all-or-none basis.

The current quantities of scrap metal to be advertised for sale are as follows:

Bare Insulated Aluminum Wire	1,400 lbs.
Insulated Copper Wire	1,000 lbs.
Bare Copper Wire	600 lbs.
UG Cable (75% Aluminum, 25% Copper)	2,400 lbs.
Scrap Pipe, Copper	200 lbs.
Scrap Pipe, Lead	1,000 lbs.
Scrap Pipe Fittings, Brass	1,000 lbs.
Scrap Iron	1 Lot

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR 1992 MISCELLANEOUS CONCRETE WORK, VARIOUS LOCATIONS

CC-12.1(c) The City Council approved the specifications for 1992 Miscellaneous Concrete Work, Various Locations project and authorized advertising for bids.

This project will be used to replace bad sections of curb, gutter and sidewalk throughout the City and to repair those curb, gutter and sidewalk areas not covered in the sidewalk repair program. Two typical uses would be the installation of sidewalk around new utility poles and repairing curbs and gutters that don't drain properly. Purchase orders will be issued to the contractor during the year as repair work is needed.

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR 1992 SIDEWALK REPAIR PROGRAM, VARIOUS LOCATIONS

CC-12.1(c) The City Council approved the specifications for 1992 Sidewalk Repair Program project and authorized advertising for bids.

This project will replace bad sidewalk which was damaged by City trees and other curb, gutter and sidewalk which is the responsibility of the City. The City has an on-going sidewalk repair program and this project will repair as many sidewalks as the Street CIP Budget will allow. The contractor on this project will also be used to install handicap ramps. Purchase orders will be issued to the contractor during the year as repair work is needed.

STANDARDIZATION OF OFFICE SYSTEMS
FURNITURE

CC-20
CC-47

The City Council, by motion action, standardized on the manufacturer of Herman Miller for office systems furniture.

With the near completion of the White Slough expansion project, the City has developed additional work areas for Water/Wastewater Inspectors, Wastewater Operators and a Receptionist/Clerk. These are open areas and the individual work spaces will be established using modular office systems furniture. With additions at City Hall and the Municipal Service Center, we will be purchasing additional office systems furniture.

Through the League of California Cities' purchasing arrangements, we are able to acquire office systems furniture from two major manufacturers at tremendous discounts (i.e., fifty to sixty-five percent of retail, depending on the actual item). Since the two manufacturers' systems are not interchangeable, it is important that we standardize on one product. Both manufacturers have essentially the same products and are comparable in price. Staff recommended Herman Miller over Haworth for the following reasons:

1. Knowledge and support of local vendor.

In trying to evaluate the two products, Herman Miller suppliers were considerably more responsive to our questions and in providing the necessary information requested.
2. Trade-in capability of product.

Herman Miller provides for purchasing recycled material and allows trade in of old product.
3. Availability of product.

Most of the Herman Miller lines are manufactured in Roseville and are readily available.
4. Availability of a super-economy line.

Herman Miller provides a product where the metal framework comes only in the color gray, and has a more limited line of colored fabric. It was staff's feeling that for most office uses at White Slough, Municipal Service Center and City Hall (i.e., engineering, accounting and clerical), this product will more than meet our needs.

130

Continued February 5, 1992

PURCHASE OF 210 HIGH PRESSURE SODIUM LUMINAIRES

RESOLUTION NO. 92-18

CC-12(d)
CC-300

The City Council adopted Resolution No. 92-18 awarding the purchase of 210 high pressure sodium luminaires to the low bidder, Deco Utility Supply Company of Vacaville, in the amount of \$13,253.25.

On November 20, 1991, the City Council approved specifications and authorized advertisement for bids. Bids were opened on December 17, 1991; however, because of ambiguities in the specifications, bids were not considered comparable, and subsequently were rejected.

New bids were opened on January 20, 1992, with the following results:

Deco Utility Supply Co., Vacaville	\$13,253.25
WESCO Utility Supply, Concord	14,304.03
Capital Wholesale Electric, Sacramento	15,559.10
G. E. Supply Co., Martinez	15,966.50

This purchase is part of the Electric Utility Department's ongoing program to replace mercury vapor street lights with the more efficient high pressure sodium luminaires.

ACCEPTANCE OF IMPROVEMENTS UNDER WELL DRILLING, WELL #24, 640 NORTH STOCKTON STREET (NORTH OF THE GRAPE BOWL STADIUM) CONTRACT

CC-90

The City Council accepted the improvements under the "Well Drilling, Well #24, 640 North Stockton Street (North of Grape Bowl Stadium)" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Beylik Drilling Inc. of North Highlands on January 2, 1991 in the amount of \$71,590. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was August 29, 1991. The final contract price was \$70,810. The project was not recommended for acceptance earlier due to lack of documentation required of the contractor concerning the construction of the well.

ACCEPTANCE OF IMPROVEMENTS UNDER KOFU
PARK SPORTS LIGHTING, 1145 SOUTH HAM LANE
CONTRACT

CC-90 The City Council accepted the improvements under the "Kofu Park Sports Lighting, 1145 South Ham Lane" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Central Sierra Electric Co., Inc., of Jackson on July 17, 1991 in the amount of \$50,953.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was November 19, 1991, and the actual completion date was November 15, 1991. The final contract price was \$49,253.00. The difference between the contract amount and the final contract price is mainly due to the City providing the Musco "pole top" system instead of having the contractor furnish it.

ACCEPTANCE OF IMPROVEMENTS UNDER TRAFFIC
SIGNAL AND LIGHTING INSTALLATION AT
CLUFF AVENUE/VICTOR ROAD CONTRACT

CC-90 The City Council accepted the improvements under the "Traffic Signal and Lighting Installation at Cluff Avenue/Victor 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 Community Electric, Inc., of San Rafael on June 5, 1991 in the amount of \$94,899.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was December 19, 1991, and the actual completion date was January 16, 1992. The final contract price was \$95,840.36. The difference between the contract amount and the final contract price is mainly due to additional asphalt needed to do the paving in the intersection. A recommendation regarding the appropriation of additional funds will be made as soon as the accounting for this project has been completed.

AWARD OF CONTRACT FOR CHEROKEE LANE
IMPROVEMENTS, 200' S/KETTLEMAN LANE TO
POPLAR STREET

RESOLUTION NO. 92-19

CC-12(a)
CC-300

The City Council adopted Resolution No. 92-19 awarding the contract for Cherokee Lane Street Improvements, 200 feet S/Kettleman Lane to Poplar Street to Claude C. Wood Co. in the amount of \$84,323.60 and appropriating \$46,000.00 from the gas tax fund to complete the project.

This project consists of reconstructing the left-turn pockets on Cherokee Lane at Kettleman Lane. Also included in the project is the installation of pavement reinforcing fabric and an asphalt concrete overlay on the north-bound lanes from 200 feet south of Kettleman Lane to Kettleman Lane and the south-bound lanes from Poplar Street to Kettleman Lane.

The specifications require that the project be phased so that at least one travel lane in each direction will be open to traffic at all times.

It is also recommended that an additional \$46,000.00 be appropriated from the gas tax fund. This project is part of the Cycle 2 State-Local Transportation Partnership Program. As part of this program, the State will be paying for approximately 30% of the construction costs. The gas tax fund will be reimbursed with this money when it is received from the State.

Plans and specifications for this project were approved on January 2, 1992. The City received the following seven bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$101,038.00
Claude C. Wood Co.	Lodi	\$ 84,323.60
Ragsdale & Son Inc.	Waterford	\$ 87,166.97
Granite Construction	Watsonville	\$ 88,967.00
Les McDonald Construction	Hayward	\$ 89,975.90
Teichert Construction	Stockton	\$ 92,789.60
Arrow Asphalt	Ripon	\$104,349.45
Stephens Construction	Rio Vista	\$134,521.00

IMPROVEMENT AGREEMENT AND RIGHT-OF-WAY
TRANSFER FOR SUNWEST PLAZA, SOUTHEAST
CORNER OF LOWER SACRAMENTO ROAD AND
KETTLEMAN LANE, LODI, CALIFORNIA

RESOLUTION NO. 92-20

CC-46
CC-300

The City Council adopted Resolution No. 92-20 approving the Improvement Agreement with the following conditions and a grant deed for transfer of City-owned right-of-way on Kettleman Lane for Sunwest Plaza, a shopping center development, to be located at the southeast corner of Lower Sacramento Road and Kettleman Lane, and directed the City Manager and City Clerk to execute the agreement and grant deed on behalf of the City, and to also appropriate funds from the Development Impact Mitigation Funds for the impact fee related projects.

- a) receipt of certain bonds referred to in the Improvement Agreement
- b) proof of insurance coverage
- c) execution of the appropriate easement deeds

The City Council was advised that this project is being developed by Riley/Pearlman Company and Browman Development Company. Wal-Mart Stores, Inc. has purchased a 12.4 acre site within the development and has assumed responsibility for the installation of all the required off-site improvements in order to expedite the issuance of a building permit for their store. The City has been furnished with the improvement plans, the necessary agreements, easement deeds, improvement security, and fees presently due for the Wal-Mart store and portions of the Sunwest Plaza development.

The development plans for the Sunwest Plaza project include portions of a strip of land approximately 1,005 feet long and 20 feet wide on the south side of Kettleman Lane which the City presently owns in fee title. The City has a 60kv power line and a 30-inch industrial waste line in this parcel, but has no need to own the entire parcel in fee title. The Sunwest Plaza project has necessitated the widening of Kettleman Lane to handle increased traffic volumes. Staff recommended that the City Council approve the transfer of that portion of the City-owned right-of-way not required for street widening to the adjacent property owners to be incorporated into and maintained as a part of their developments. The City will retain a public utility easement over the portion being transferred to accommodate existing public facilities. This same procedure was followed with the developments east of this project. The

134

limits of the proposed right-of-way transfer were shown on a diagram presented to the Lodi City Council.

The improvements for this project include various items that are the City's responsibility under the Development Impact Mitigation Fee Program. The actual "projects" need to be appropriated in order to properly credit the developer for this work under the terms of the fee ordinance. In the future, this will be part of the normal Capital Improvement Program. For this project, the specific projects are:

<u>Project (fund)</u>	<u>Appropriation</u>
Streets (60.4)	
Kettleman Lane Widening	
Lower Sacramento Road Widening	
Highway 12/Lower Sacramento Road Traffic Signal Relocation	
Total	\$92,000
Water (60.1)	
Oversize Mains and Major Crossings	\$19,000
Storm Drainage	
Trunk Line Extension	\$25,000
(in lieu of portion of Orchis Drive project already appropriated)	

Council Member Snider abstained from discussion and voting on the heretofore listed matter, because of a possible conflict of interest.

WHITE SLOUGH WATER POLLUTION CONTROL FACILITY LEASE, 11995 NORTH THORNTON ROAD

CC-51(f) The City Council authorized the Public Works Department to notify the present month-to-month tenant of this parcel to vacate this property no later than April 30, 1992.

At its meeting of December 18, 1991, the City Council authorized going to bid for this 14-acre parcel with a minimum bid of \$1,000 per month. No bids were received, therefore staff recommended moving ahead to clear the parcel and connect to the adjacent, fully-irrigated parcel.

The 14-acre parcel presently has no irrigation system, but with some proposed improvements to our existing system in the upcoming CIP, it would allow effluent disposal. Staff recommended combining this 14-acre parcel with an existing 220-acre leased parcel which surrounds it, thus recreating the 234-acre parcel originally purchased. The 14-acre parcel is small, not suited for a separate farming operation, and use is restricted by law because of the use

of effluent. Discharging effluent to this property is a definite benefit to the City and could not be done if the property was being used for cattle or other restricted uses.

REVISED CLASS SPECIFICATIONS FOR
FIRE ADMINISTRATIVE OFFICER, FIRE
BATTALION CHIEF, FIREFIGHTER I/II/FIRE
ENGINEER, FIRE INSPECTOR AND FIRE CAPTAIN

RESOLUTION NOS. 92-21 - 92-25

CC-34
CC-300

The City Council adopted the following resolutions approving revised Fire Department class specifications:

Recent Federal and State mandates and implementation of the Fire Department's training programs have caused the Department to evaluate the minimum qualifications of its class specifications. The class specifications have been revised to provide a more accurate and current description of the job duties and requirements.

- I. Fire Administrative Officer - Resolution No. 92-21;
- II. Fire Battalion Chief - Resolution No. 92-22;
- III. Firefighter I/II/Fire Engineer - Resolution No. 92-23;
- IV. Fire Inspector - Resolution No. 92-24; and
- V. Fire Captain - Resolution No. 92-25.

CONTRACT FOR SERVICES FOR TOM CARTWRIGHT,
TRAFFIC ENGINEER ASSISTANT

RESOLUTION NO. 92-26

CC-34
CC-300

The City Council adopted Resolution No. 92-26 amending the contract for services for Tom Cartwright, Traffic Engineer Assistant.

A contract was initiated for services rendered by E. Tom Cartwright as a Traffic Engineer Assistant in the Public Works Department in November of 1990.

At that time, no provision was made to include merit increases for Mr. Cartwright. The amended contract includes this provision and updates the current conditions of employment. The salary range per hour for this position is as follows:

A	B	C	D	E
\$16.81	\$17.65	\$18.53	\$19.46	\$20.43

136

Continued February 5, 1992

AMEND SALARY SCHEDULE FOR THE MAINTENANCE
AND OPERATORS UNIT OF SAN JOAQUIN PUBLIC
EMPLOYEES ASSOCIATION

RESOLUTION NO. 92-27

CC-34 The City Council adopted Resolution No. 92-27 amending the
CC-300 salary schedule for the Maintenance and Operators Unit of
San Joaquin Public Employees Association.

The City Council was advised that on January 2, 1992 the City Council adopted Resolution No. 92-05 implementing the salaries negotiated with the Maintenance and Operators Unit. There were two errors in the salary schedule adopted with that resolution and therefore the City Council was asked to adopt a resolution correcting these errors.

MAYOR PINKERTON APPOINTED AS THE
CITY'S VOTING DELEGATE IN THE MATTERS
OF THE SAN JOAQUIN VALLEY UNIFIED AIR
POLLUTION CONTROL DISTRICT BOARD

CC-6 The City Council appointed Mayor Pinkerton as the City's
voting delegate in matters of the San Joaquin Valley
Unified Air Pollution Control District Board.

The City Council was advised that the adopted procedure and structure document setting forth the selection mechanism for City representatives on the board of the San Joaquin Valley Unified Air Pollution Control District (Section, Voting Procedures) "each City...shall appoint an official representative who shall have full authority to cast votes on behalf of the City." Mayor Pinkerton has already represented the City in the early organization meetings and it is recommended that he be officially designated as called for.

DEFERRED COMPENSATION PLAN AGREEMENT
BETWEEN GREAT WESTERN BANK AND THE
CITY OF LODI APPROVED

CC-6 The City Council was advised that in March, 1988 the City
of Lodi entered into a three-year Deferred Compensation
Plan Agreement with Great Western Bank. Some months ago a
proposed new agreement was presented for review by the
Deferred Compensation Committee.

In 1990 legislation was introduced in the House of Representatives and the Senate which would have amended the Federal Deposit Insurance Act coverage from \$100,000 per city participant to not more than \$100,000 of the aggregate amount of deposits for all plan participants. This legislation was introduced in an effort to reduce potential

liability of the United States for losses from the deposit insurance funds.

The City of Lodi Deferred Compensation Committee delayed its review of the proposed agreement with Great Western Bank to see whether or not this legislation would pass because of the significant impact it would have on our plan and its participants. This proposed legislation did not pass.

The Committee has now completed its review of the proposed agreement and recommends its approval.

Changes from the 1988 Agreement include the following:

1988 AGREEMENT

Term of agreement - 3 years

Investment Vehicles

Great Western agrees to provide the herein described services for AGENCY (City of Lodi) with the following investment vehicles.

A. Great Western Savings Indexed Account ("GWSIA").

The investment vehicle identified as GWSIA shall be savings accounts with GREAT WESTERN. Each such account shall be subject to rules, regulations and statutes to which GREAT WESTERN is subject, as promulgated by the Federal Home Loan Bank Board (FHLBB), the Federal Savings and Loan Insurance Corporation (FSLIC) and other such regulatory authorities.

GREAT WESTERN agrees to accept PLAN funds for investment in GWSIA, such funds to earn interest as follows:

(1) The rate of interest for all funds received during the first Contract Year, as defined below shall yield the highest of:

- a. Yield 9.627% (Rate 9.10%)
- b. The over-the-counter yield quotation for the five year United States Government Treasury Note, as set forth on the day before the

last business day of each calendar quarter. This yield will be guaranteed for the succeeding calendar quarter regardless of any subsequent change in the five year United States Treasury Note yield.

- c. Such other yield declared by Great Western, not less than (1)a or (1)b.
- (2) The rate of interest for all funds for Contract Years subsequent to the first Contract Year shall yield the higher of:
- a. The over-the-counter yield quotation for the five year United States Treasury Note, as set forth on the day before the last business day of each calendar quarter. This yield will be guaranteed for the succeeding calendar quarter, regardless of any subsequent change in the five year United States Treasury Note yield.
 - b. Such other yield declared by Great Western not less than (2)a.

For purposes of this Agreement, "Contract Year" shall mean the period of time between the effective date of the Contract, and the same day of the month in each succeeding year; the first Contract Year, however, shall be extended, if necessary in order to ensure that every Contract Year will end on the last day of a calendar month.

- (3) Interest will accrue daily, using the 365/360 day method, will be credited monthly, on the last day of the month, and will be automatically reinvested to allow for monthly compounding.

GREAT WESTERN agrees to collateralize any amount of PLAN funds invested in GWSIA in excess of Federal Savings and Loan Insurance Corporation insurance limits per participant, with first deeds of trust on commercial, industrial or residential property. The unpaid outstanding principal balance of the collateral shall be adjusted monthly, and shall in the aggregate, at all times equal or exceed 150 percent of the amount of such funds in excess of FSLIC insurance limits.

1991 AGREEMENT

Proposed Agreement - until such time as terminated by the parties

Investment Vehicles

GREAT WESTERN agrees to provide the herein described services for AGENCY (City of Lodi) with the following investment vehicles.

A. Great Western Bank Indexed Account ("GWBIA").

The investment vehicle identified as GWBIA shall be savings accounts with GREAT WESTERN. Each such account shall be subject to rules, regulations and statutes to which GREAT WESTERN is subject, as promulgated by the Office of Thrift Supervision (OTS), the Federal Deposit Insurance Corporation (FDIC) and other such regulatory authorities.

GREAT WESTERN agrees to accept PLAN funds for investment in GWBIA. PLAN funds will earn interest by whichever of the following methods results in the highest rate payable:

- (1) The rate of interest for all funds received during the period of April 1, 1991 through December 31, 1991 of the contract term shall yield the over-the-counter annualized yield quotation for the five year United States Government Treasury Note, determined by reference to representative yields reported in the Wall Street Journal on the last business day of each calendar quarter. This effective annualized yield will be guaranteed for the succeeding calendar quarter regardless of any subsequent change in the five year United States Treasury Note yield.
- (2) The rate of interest for all funds received during the period of January 1, 1992 through March 31, 1996 of the contract term shall be the annualized yield obtained from the use of the over-the-counter rate quotation for the 90 Day United States Government Treasury Bill plus Twenty-five (25) basis points, in effect on the last business day of each calendar quarter. This effective annualized yield will be

guaranteed for the succeeding calendar quarter regardless of any subsequent change in the 90 Day United States Treasury Bill yield.

- (3) Such other yield as declared by Great Western and shall not be lower than A.(1) above.

Interest will accrue daily, using the 365/360 day method, will be credited monthly, on the last day of the month, and will be automatically reinvested to allow for the monthly compounding.

B. GREAT WESTERN BANK CERTIFICATE OF DEPOSIT (GWBCD)

Great Western will also make available one, two, three, four and five year certificates of deposit (CD) whose yields are indexed to representative, effective annual yields on one, two, three, four and five year United States Government Treasury Notes. For example, a one year CD will have yield indexed to the one year Treasury Note; a two year CD will have a yield indexed to the two year Treasury Note, etc.

In each case, the effective annualized yields for the one, two, three, four and five year Treasury Notes will be determined by reference to representative yields reported in the Wall Street Journal on the last business day of the calendar quarter. This yield will become the effective annualized yield or the GWBCD for the following quarter.

Interest will accrue daily, using the 365/360 day method, will be credited monthly, on the last day of the month, and will be automatically reinvested to allow for monthly compounding.

Other guidelines are as follows:

1. One Year CD: \$1,000 minimum deposit, 90 day interest penalty for early liquidation (separation from service, plan-to-plan transfers or hardship excluded).
2. Two - Five Year CD: \$1,000 minimum deposit, 180 day interest penalty for early liquidation (separation from service, plan-to-plan transfers or hardship excluded).

141

3. Participants may invest in no more than four (4) CD's per year.

4. Lump Sum transfers only.

Plan funds invested in the GWBIA or GWBCD options are backed by the full faith and credit of the U. S. Government and are also insured by the Federal Deposit Insurance Corporation, an agency of the Federal Government, up to \$100,000 per participant. Great Western will collateralize any amount invested in the GWBIA and GWBCD in excess of FDIC insurance limits by depositing first deeds of trust on suitable residential property (i.e. one to four unit) with the Federal Home Loan Bank in San Francisco. The unpaid outstanding principal balance of the collateral is adjusted quarterly, and shall in the aggregate, at all times equal or exceed one hundred fifty percent (150%) of the amount of plan funds invested in the GWBIA and GWBCD in excess of FDIC limits.

The City Council approved the Deferred Compensation Plan Agreement dated April 1, 1991 between Great Western Bank and the City of Lodi and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

PUBLIC HEARING SET TO CONSIDER CHANGING THE LODI MUNICIPAL CODE TO AUTHORIZE THE CITY TO COLLECT LATE FEES FOR DELINQUENT UTILITY BILLS

CC-6 The City Council set a public hearing for March 4, 1992 to discuss the adoption of changes to the Lodi Municipal Code to authorize the City to impose and collect late payment fees for delinquent utility bills.

The City Council at its Shirtsleeve Session on December 10, 1991 reviewed several proposals made by staff to encourage the timely payment of the City's utility bills. One proposal made was to impose and collect a fee for late or delinquent payment of utility bills. Based on the direction given by Council on December 10, 1991, the recommendation should be scheduled for public hearing.

* * * * *

COMMENTS BY CITY COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

DETERMINATION OF "LOWEST RESPONSIBLE BIDDER"

CC-6 Mayor Pro Tempore Pennino requested that the subject of
CC-12(a) determining the "lowest responsible bidder" using as a

factor the 1% sales tax rebate on the transaction be placed on an upcoming City Council agenda.

SKATEBOARDING ON PRIVATE PROPERTY ASKED TO BE TOPIC ON FUTURE AGENDA

CC-6 Council Member Hinchman requested that the subject of
CC-24(b) skateboarding on private property be placed on a future agenda.

COMPLAINT VOICED REGARDING SIGHT DISTANCE PROBLEM AT INTERSECTION OF HARNEY LANE AND SOUTH STOCKTON STREET

CC-16 Council Member Hinchman reported that there is a sight distance problem for eastbound traffic at the intersection of Harney Lane and South Stockton Street

CITIZENS EFFORTS ON BEHALF OF SCHOOL CROSSING GUARD APPLAUDED

CC-9 Council Member Hinchman applauded the recent efforts of Lowell Flemmer in noting the license number and reporting it to the appropriate authorities following his witnessing a car "side-swiping" a Crossing Guard at Lakewood School.

AMERICAN OLYMPIC WATER POLO TEAM CONTINGENT INCLUDES OUR OWN COUNCIL MEMBER SNIDER

Mayor Pinkerton congratulated Council Member Snider on his being asked to join the American Olympic Water Polo Team when it travels to Australia.

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:

PUBLIC ACCESS TO THE MOKELUMNE RIVER

CC-27(a) Following comments by Ron McLaughlin President, Mokelumne
CC-184 Village Homeowners Association and Patrick Velasques, President, Mokelumne Village Condominium Association opposing the potential development of the Mokelumne Village Scenic Overlook as public access to the Mokelumne River, the matter was referred to the Parks and Recreation Commission.

A petition entitled, "Petition in Response to Potential Development of Mokelumne Village Scenic Overlook (Old City dump) as Public Access to the Mokelumne River" signed by approximately 135 persons was presented to the Lodi City Council.

148

COMMUNITY URGED TO PARTICIPATE IN
LODI COMMUNITY CENTER WARM CLOTHING DRIVE

Ms. Paula Aguinaga and Mr. Dennis Norton of the Lodi Community Center urged the Community to donate warm clothing and blankets to its Warm Clothing Drive and announced the locations where donations can be dropped off.

PUBLIC HEARINGS

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to receive public comments on the Final Draft of the City of Lodi Source Reduction and Recycling Element (SRRE).

SOURCE REDUCTION AND RECYCLING
ELEMENT APPROVED

CC-54

Mr. Kirk J. Evans, Administrative Assistant to the City Manager addressed the City Council advising that in order to comply with the environmental review process which is required by the California Environmental Quality Act, EMCON Associates has prepared an Initial Study for the SRRE. Copies of this initial study are available for review in the office of the City Clerk. The Community Development Department has reviewed the initial study, and has issued a Negative Declaration. The Negative Declaration was presented to City Council for their consideration and approval.

During the entire length of calendar year 1991, the City of Lodi Solid Waste Management Task Force (SWAM Force) worked very closely with EMCON Associates to prepare the final draft of the Source Reduction and Recycling Element. Citizens have received a great deal of information concerning the SRRE: The Lodi News Sentinel has done an outstanding job of informing the public, especially regarding the three cart system. Tamma Ademek has written at least six articles specifically on this subject. The Sentinel also prints the "Wasteline" column free of charge every second Monday. An article on the SRRE has also appeared in the Lodi City Newsletter.

Citizens have already been given ample opportunity to comment on the SRRE: On October 9, 1991, the SWAM Force conducted a public hearing on the preliminary draft SRRE. All input received at the public hearing, and all subsequent calls and letters received by their secretary have been considered by the SWAM Force. In addition, the SWAM Force has received written comments from California Integrated Waste Management Board staff, the San Joaquin County AB 939 Local Task Force, County Public Works - Solid Waste Division, and Delta Container Corporation. All of the above input has been considered by the SWAM Force and

EMCON Associates in the preparation of the final draft SRRE which is now presented to City Council for their consideration and approval.

Further, Mr. Evans reviewed the minutes of the January 27, 1992 Solid Waste Management Task Force meeting and the amendments to the SRRE that were approved by the Task Force.

Addressing the City Council regarding the matter were the following people:

- a) Nancy Hazen, 1014 Pinot Noir Drive, Lodi;
- b) Dave Vaccarezza, 2350 Rockingham Circle, Lodi;
- c) John Boss, EMCON, Sacramento, California;
- d) Dennis Deg, Chairman of the Solid Waste Management Task Force;
- e) Duane Lindstrom, no address given;
- f) Beverly Benz, no address given; and
- g) Annette Murdoca, 1333 East Turner Road, Lodi.

There being no other persons in the audience wishing to speak, the public portion of the hearing was closed.

On motion of Council Member Hinchman, Sieglock second, the City Council approved the Negative Declaration as adequate environmental documents for the Source Reduction and Recycling Element (SRRE).

Further, on motion of Council Member Hinchman, Pennino second, the City Council approved the Source Reduction and Recycling Element including the recommended amendments.

PROPOSED AMENDMENT TO THE SEWER ORDINANCE,
INCLUDING SETTING RATES FOR GREASE
INTERCEPTOR WASTE

ORDINANCE NO. 1543 INTRODUCED

CC-6
CC-149

Notice thereof having been published according to law, an affidavit of which publication is on file in the City Clerk's office, Mayor Pinkerton called for the public hearing to consider adoption of an amendment to the sewer ordinance and setting of rates for grease interceptor waste.

The City Council was advised that the City of Lodi's wastewater treatment facility has been contacted by several local grease haulers investigating the possibility of

dumping collected grease interceptor waste at the City of Lodi's treatment facility. These haulers have been taking the grease waste to the City of Stockton and the County of Sacramento wastewater treatment facilities. These two facilities have recently stopped accepting grease waste from outside their service areas.

The City of Lodi's wastewater treatment facility has not been designed to process grease waste and thus would be required to contract with a local grease recycler to handle any grease accepted. The Exhibits presented for Council's review showed the estimated volumes and costs the City would incur by accepting grease waste.

If the City is to provide this service a fee of \$0.25/gallon would have to be adopted. Additionally, an Amendment would have to be adopted in the Sewer Ordinance.

It should be pointed out that if the local grease haulers were to truck this grease waste directly to a recycling firm in Stockton they would only pay \$0.14/gallon for disposal. One of the grease hauling firms indicated to City staff that in their opinion (grease hauler) the recycling firm in Stockton has a monopoly and it is unfair to have such. It is for this reason the grease haulers have asked for our consideration to accept grease.

Addressing the City Council regarding the matter was Paul Palhemus, Paul and Sons Septic Tank Service, 5724 East Jahant Road, Lodi.

A number of questions were raised during the public hearing which included the following points:

- a) Mr. Palhemus indicated that he felt the City's proposed fee to provide this service of \$0.25 per gallon was very high.
- b) A question was raised by Mayor Pro Tempore Pennino as to whether or not it would be feasible for Sanitary City Disposal Company to receive this material.

Mr. Dave Vaccarezza, Sanitary City Disposal Company was in the audience and responded to a number of questions raised by members of the Lodi City Council.

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

On motion of Mayor Pro Tempore Pennino, Hinchman second, the City Council introduced Ordinance No. 1543 entitled, "An Ordinance of the City Council of the City of Lodi

146

Continued February 5, 1992

Amending Lodi Municipal Code Chapter 13.12 - Sewer Service, Section 13.12.115, Relating to Grease Interceptor Waste and Fees". Staff was requested to research the various questions regarding the matter as were raised prior to the adoption of this ordinance.

PLANNING COMMISSION City Manager Peterson presented the following Planning
REPORT Commission Report of the Planning Commission Meeting of
January 13, 1992 and January 27, 1992

- CC-35 The Planning Commission at its meeting of January 13, 1992
- a. Conditionally approved the request of Amin Mahmood on behalf of Lodi Muslim Mosque for a lot merger between 210 and 216 Poplar Street in an area zoned R-1*, Single-Family Residential - Eastside.
 - b. Continued the following requests of Lodi Honda until January 27, 1992:
 1. for a use permit to install a programmable electronic display identification sign on an existing 70-foot sign structure at 1700 South Cherokee Lane in an area zoned C-2, General Commercial; and
 2. for a zoning variance to increase the allowable sign size at 1700 South Cherokee Lane in an area zoned C-2, General Commercial.
 - c. Set a public hearing for 7:30 p.m., Monday, February 10, 1992 to consider the request of Claude C. Wood Co., Inc. to abandon Lockeford Street between North Beckman Road and Cluff Avenue.
 - d. Discussed a special joint meeting with the Stockton Planning Commission scheduled for Thursday, January 30, 1992 at Bear Creek High School.
 - e. Set a public hearing for 7:30 p.m., Monday, January 27, 1992 to consider the following requests of Environmental Management Technologies, Inc.:
 1. for a use permit to operate a soils recycling facility at 1333 East Turner Road in an area zoned M-2, Heavy Industrial; and
 2. to certify the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the above project.

147
✓

- f. Set a public hearing for 7:30 p.m., Monday, January 27, 1992 to consider the following requests of Daryl Geweke:
 - 1. to prezone the parcel at 15201 North Lower Sacramento Road (northwest corner of State Route 12 and Lower Sacramento Road) from GA, General Agriculture, to C-S, Commercial Shopping; and
 - 2. to certify the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the above project.
- g. Set a public hearing for 7:30 p.m., Monday, January 27, 1992 to consider the request of Ad Art Signs, Inc. on behalf of Lodi Honda to amend Section 17.63.420 of the Lodi Municipal Code (Sign Ordinance) to increase the allowable size of an advertising display adjacent to a freeway to 700 square feet.

The Planning Commission at its meeting of January 27, 1992 -

- a. Continued the following requests of Environmental Management Technology Inc. until February 10, 1992.
 - 1. for a Use Permit to operate a soils recycling facility at 1333 East Turner Road in an area zoned M-2, Heavy Industrial; and
 - 2. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.
- b. Accepted the request of Daryl Geweke to withdraw the following requests:
 - 1. to prezone the parcel at 15201 North Lower Sacramento Road (northwest corner State Route 12 and Lower Sacramento Road) from GA, General Agriculture, to C-S, Commercial Shopping Center.
- c. Continued until February 10, 1992 the request of Ad-Art Signs, Inc. on behalf of Lodi Honda to amend Section 17.63.420 of the Lodi Municipal Code (Sign Ordinance) to increase the allowable size of an advertising display adjacent to a freeway to 700 square feet.
- d. Continued the request of Terry Piazza, Baumbach and Piazza, Inc. Consulting Engineers on behalf of James Anagnos et al for approval of a Tentative Parcel Map to create two

parcels from one at 801 East State Route 12 in an area zoned C-S, Commercial Shopping Center.

e. Continued the following requests of Lodi Honda until February 10, 1992:

1. for a Use Permit to install a programmable electronic display identification sign on an existing 70-foot sign structure at 1700 South Cherokee Lane in an area zoned C-2, General Commercial; and
2. for a Zoning Variance to increase the allowable sign size at 1700 South Cherokee Lane in an area zoned C-2, General Commercial.

f. Conditionally approved the request of Joseph Canepa for a Use Permit to operate a family billiard lounge, including video games, food grill and beer at 112 South Cherokee Lane in an area zoned C-2, General Commercial.

g. Determined that a "Zoning Hardship" existed and approved the request of Thomas Rigopoulos for a Zoning Variance to reduce the rear yard setback requirement to 3 feet to permit an addition to an existing residence at 234½ East Tokay Street in an area zoned R-1*, Single-Family Residential - Eastside.

h. Determined that a "Zoning Hardship" existed and approved the request of Mohammed Riaz to reduce the side yard setback requirements to permit an addition to an existing residence at 512½ East Oak Street in an area zoned R-1*, Single-Family Residential - Eastside.

i. Set the following requests of Dana Smith on behalf of Bridgehaven, Inc. for public hearing on February 10, 1992:

1. to amend the Land Use Element of the Lodi General Plan by redesignating a 6.71 acre parcel located on Woodhaven Lane north of Turner Road, west of Eilers Lane and south of the WID Canal (APN 015-230-29) from P-R, Planned Residential to MDR, Medium Density Residential (GPA-LU 92-1).
2. to prezone a 6.71 acre parcel located on Woodhaven Lane, north of Turner Road, west of Eilers Lane, and south of the WID canal (APN 015-230-29) to Planned Development District No. 29 (P-D (29)); and
3. to certify the filing of a Negative Declaration by the Community Development

Director as adequate environmental documentation on the above projects.

Following an inquiry, Community Development Director Schroeder gave a brief overview of the recent joint meeting of the Lodi Planning Commission and the Stockton Planning Commission.

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4(c) On recommendation of the City Attorney and Insurance Consulting Associates, Inc., on motion of Council Member Hinchman, Sieglock second, the City Council denied the following claims and referred them back to ICA:

- a) Terry Dockter, Date of loss 12/4/91;
- b) Joel and Linda Montgomery, Date of loss, 12/13/91;
- c) Betty Newfield, Date of loss, 11/6/91; and
- d) Lynn D. Weber, Date of loss 8/15/91.

APPLICATION FILED BY GREYHOUND LINES,
INC. WITH THE CALIFORNIA PUBLIC SERVICE
COMMISSION TO INCREASE PASSENGER BUS FARES

CC-7(f) The City Council received an application filed by Greyhound
CC-50(b) Lines, Inc. with the California Public Service Commission to increase passenger bus fares and to restructure the manner in which fares are determined.

APPOINTMENT MADE TO LODI ARTS COMMISSION

CC-2(k) On motion of Council Member Hinchman, Pennino second, the City Council appointed Rick Dentino to fill an unexpired term on the Lodi Arts Commission, which term is due to expire July 1, 1994.

APPEAL RECEIVED FROM RINEY BENDER
REGARDING INCREASED RENTAL FEE FOR
THE USE OF CITY FACILITIES (ZUPO AND
KOFU DIAMONDS) FOR AMERICAN LEGION BASEBALL

CC-16 The City Council received a letter from Riney Bender
CC-56 appealing the recent decision by the Lodi Parks and Recreation Commission to increase the rental fee for the use of City facilities (Zupo and Kofu diamonds) for American Legion Baseball. Mr. Riney Bender and Mr. Bob Carloni addressed the City Council regarding the matter.

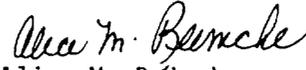
Continued February 5, 1992

151

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 9:35 p.m.

ATTEST:



Alice M. Reimche
City Clerk