

CITY COUNCIL, CITY OF LODI  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, FEBRUARY 19, 1992  
7:30 P.M.

ROLL CALL Present: Council Members - Hinchman, Pennino,  
Sieglock and Pinkerton (Mayor)  
Absent: Council Members - Snider  
Also Present: City Manager Peterson, Community Development  
Director Schroeder, Public Works Director  
Ronsko, City Attorney McNatt, and City Clerk  
Reimche

INVOCATION The invocation was given by Pastor Norm Mowery, First  
United Methodist Church.

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

PRESENTATIONS There were no awards, presentations, or proclamations  
presented at this meeting.

CONSENT CALENDAR In accordance with report and recommendation of the City  
Manager, Council, on motion of Council Member Pennino,  
Hinchman second, approved the following items hereinafter  
set forth:

It was requested that the appropriate correction be made  
to step E for the Sports Official V classification which  
schedule appeared as an appendix to material relating to  
agenda item #E-6 entitled, "Amend salary schedule for  
temporary employees".

Further, agenda item #E-14 entitled, "Work statement  
advertisement for proposals for a cost reduction study" was  
removed from the Consent Calendar and discussed and acted  
upon under the Regular Calendar.

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CLAIMS CC-21(a) Claims were approved in the amount of \$1,502,658.67.

MINUTES No minutes were presented for approval.

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PURCHASE OF 12KV BUS CONDUCTOR  
FOR THE INDUSTRIAL  
SUBSTATION PROJECT

RESOLUTION 92-28

CC-12(d)  
CC-300

The City Council adopted Resolution No. 92-28 awarding the bid for the purchase of 1,600 feet of 3", and 1,000 feet of 1.5" aluminum bus conductor to the sole bidder, Sefcor, Inc. of Griffin, Georgia, in the amount of \$17,804.61.

The City Council was advised that on January 15, 1992 it approved specifications and authorized advertisement for bids for electrical bus conductor. One bid was received and opened on February 6, 1992:

Sefcor, Inc., Griffin, GA \$17,804.61

The electrical bus conductor will be used in the construction of the 12KV distribution structure at the Industrial Substation. This structure, a major component of the system expansion being installed at the site, will provide additional electrical capacity, primarily for industrial and commercial customers in the eastern part of the City.

PURCHASE OF 12KV BUS FITTINGS  
FOR THE INDUSTRIAL SUBSTATION PROJECT

RESOLUTION NO. 92-29

CC-12(d)  
CC-300

The City Council adopted Resolution No. 92-29 awarding the bid for the purchase of approximately 1,300 connectors, fasteners, and supports for use in construction of the Industrial Substation's 12KV distribution structure to the low bidder, Sefcor, Inc. of Griffin, Georgia, in the amount of \$36,692.85.

The City Council was advised that on January 15, 1992, the City Council approved specifications and authorized advertisement for bids for electrical bus fittings. Bids were opened on February 6, 1992:

Sefcor, Inc., Griffin, GA \$36,692.85  
Maydwell & Hartzell, Brisbane, CA 40,498.75\*  
PowerCom, Orinda, CA 42,987.54\*

\*(Maydwell & Hartzell and PowerCom did not bid all items).

The electrical bus fittings will be used in the construction of the 12KV distribution structure at the Industrial Substation. This structure, a major component of the system expansion being installed at the site, will provide additional electrical capacity, primarily for

industrial and commercial customers in the eastern part of the City.

ACCEPTANCE OF IMPROVEMENTS AT  
1248 SOUTH SCHOOL STREET

RESOLUTION NO. 92-30

CC-46                   The City Council adopted Resolution No. 92-30 accepting  
CC-300                   the development improvements for 1248 South School Street.

The City Council was advised that improvements at 1248 South School Street have been completed in substantial conformance with the requirements of the Improvement Agreement between the City of Lodi and Seco Plumbing, Inc., dated November 2, 1990, as shown on Drawing No. 90D068, and as specifically set forth in the plans and specifications approved by the City Council.

The streets to be accepted are as follows:

<u>STREETS</u>	<u>LENGTH IN MILES</u>
Tamarack Drive	0.0
TOTAL NEW MILES OF CITY STREETS	0.0

SALARY SCHEDULE FOR TEMPORARY  
EMPLOYEES AMENDED

RESOLUTION NO. 92-31

CC-34                   The City Council adopted Resolution No. 92-31 approving an  
CC-300                   amended salary schedule as corrected for temporary  
employees.

The City Council was advised that the City recently completed negotiations with its bargaining units and made appropriate changes to the effected salary schedules.

It was recommended that certain part-time salaries be increased to reflect these same amounts. The amounts include a 3.75% increase for all classifications except the following:

- a)                   Account Clerk, Administrative Clerk I/II, Meter Reader, Heavy Equipment Mechanic and Tree Trimmer. These classes are aligned to correspond with the equivalent full-time classification salaries.
- b)                   Boat Attendant I, Cashier-Recreation, Recreation Leader, and Recreation

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Scorekeeper have been increased to reflect federal minimum wage requirements.

Other recommended changes are as follows:

- a) That the following classifications be deleted: Custodian, Police Matron, and Deputy Water Conservation Officer Y-Rate.
- b) That the title City Councilman be changed to City Councilmember.
- c) That the Laborer classification be re-titled to Laborer A and that Laborer B be added as indicated.
- d) That the Mechanic classification be re-titled to Heavy Equipment Mechanic.

These changes would be effective at the beginning of the pay period in which this meeting falls.

CONTRACT APPROVED FOR SCOTT BARNES

RESOLUTION NO. 92-32

CC-34  
CC-300

The City Council adopted Resolution No. 92-32 approving a Personal Services Contract for Scott Barnes.

The City Council was advised that there is currently a vacancy in the Public Works Department due to the loss of an Engineering Technician to the Electric Utility Department engineering division.

Mr. Barnes has worked as an Intern in the Public Works Department since June 1988. He is familiar with many of the division functions and duties and is also proficient in the use of the automated computer-aided drafting system, Autocad. This system is an integral part of the work in the engineering division.

Mr. Barnes is currently a student at a community college and plans to transfer to a four-year institution next year. He will be available to work with the City until August 1993. This time period will give us the opportunity to review the changing needs of the Public Works Department and to recruit an employee to meet these needs.

REQUEST FROM THE POLICE DEPARTMENT TO  
USE FUNDS DERIVED FROM THE AUCTION OF  
CONFISCATED WEAPONS TO SUPPLEMENT  
THE SWAT TEAM'S EQUIPMENT AND SUPPLIES  
APPROVED

CC-20  
CC-47

The City Council granted permission to the Police Department to use funds derived from the auction of confiscated weapons to supplement the SWAT Team's equipment and supplies.

Historically, for the past several years, the Lodi Police Department, after authorization by the City Council, has turned weapons over to Roger Ernst and Associates for auction to gun dealers. The proceeds from this have been used to supplement the purchase of weapons and other equipment needed by the SWAT Team.

AGREEMENT WITH ST. JOSEPH'S MEDICAL CENTER  
OF STOCKTON FOR FIREFIGHTERS  
PHYSICAL FITNESS PROGRAM APPROVED

CC-90

The City Council approved an agreement with St. Joseph's Medical Center of Stockton for the firefighters physical fitness program and authorized the City Manager and City Clerk to execute the agreement on behalf of the City. Further, the City Council approved this contract without competitive bidding with a finding that this action is being taken in the best interest of the City.

During our negotiations with the United Firefighters of Lodi in 1986 there was established a firefighters physical fitness program which would meet very specific criteria. It was negotiated to have St. Joseph's Fitness Center, a division of St. Joseph's Medical Center, conduct the program during the first three years of the program. When we renegotiated the contract with the UFL in 1990 the program continued in effect, but without the specific wording which would require us to use St. Joseph's. We have continued to use St. Joseph's due to the advantages of having our medical records pertaining to the physical fitness program and vaccinations kept in one place. We have also been impressed with the fact that their prices have increased very minimally during the past five years.

St. Joseph's has provided the Fire Department with exceptional service and comes to our location to conduct physicals, fitness assessments, and assessment follow-up conferences. We are very pleased with their service and find that the continuity of maintenance of medical history records and the historical tracking of the progress of our employees physical fitness is important to the continued success of this program.

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Funds for the physicals, vaccinations and physical fitness assessments are budgeted in the Workers Compensation fund. The required funds vary depending on the number of new employees we have; the number of vaccinations; re-vaccinations, etc. We generally expend approximately \$10,000 to \$12,000 per year for these services.

PUBLIC HEARING SET REGARDING THE NOTICE OF PUBLIC NUISANCE AND ABATEMENT ORDER REGARDING PROPERTY LOCATED AT 303 EAST ELM STREET

CC-24(c) The City Council, by motion action, set for public hearing on March 4, 1992, at the request of the Fire Marshal, regarding the Notice of Public Nuisance and Abatement Order, dated February 7, 1991 concerning the property at 303 East Elm Street.

The City Council was informed that on February 7, 1992, the Fire Department issued a Notice of Public Nuisance and Abatement Order for a structure located at 303 East Elm Street, Lodi. During a conversation between the building owner and the Fire Marshal, the building owner stated that he did not intend to do any work to the building.

The building is currently unsecured and has combustible waste material within the structure.

Notice of Public Nuisance and Order to Abate have been sent to the legal owner and to Mr. Patrick Manly, who has a legal interest in the property and is attempting to regain legal title.

AUTHORIZATION GRANTED TO SOLICIT PROPOSALS FOR CONCESSION OPERATIONS AT LODI LAKE PARK

CC-6 The City Council authorized the solicitation of proposals  
CC-40 for the operation of a food cart concession at Lodi Lake  
CC-90 Park. Since the conversion of the snack bar to the Discovery Center, the concession operation has consisted of a food cart which offers a basic assortment of foods and beverages.

The food cart concession, which is scheduled to operate on weekends between May 1 and Memorial Day, daily between Memorial Day and Labor Day, and weekends thereafter through September, will not conflict with commitments to Kiwanis and Lodi Tokay Rotary Clubs for operation of their own concessions during special events in July.

Selection of concessionaire will be based on highest percentage of return from gross sales receipts, as well as experience and reputation of the concessionaire.

The deadline for submitting proposals will be March 10, 1992.

AWARD CONTRACT FOR ARMORY PARK  
AND SOFTBALL COMPLEX CONCESSION

RESOLUTION NO. 92-33

CC-90  
CC-300

The City Council adopted Resolution No. 92-33 awarding the contract for operation of concession stands at Armory Park and the Softball Complex to Food and Fun Concessions of Stockton for the period of February 19, 1992 through December 31, 1995.

On January 15, 1992 the City Council authorized the solicitation of proposals for operation of the concession stands at Armory Park and the Softball Complex for the period of February 19, 1992 through December 31, 1995. Proposals were received from four vendors prior to the deadline, January 27, 1992: Food and Fun Concessions of Stockton; Snack Attack of Stockton, Nor-Cal Carts of Stockton, and Gloria's Catering of Lodi.

Proposals were evaluated on the basis of experience in concession operations, reputation, and percentage of gross receipts returned to the City. Although Snack Attack and Nor-Cal Carts offered higher percentages of return (28% and 30%, respectively), the experience and reputation offered by Food and Fun Concessions suggests that the best interests of the City would be well-served even at the 25% rate of return proposed by Food and Fun. (Gloria's Catering offered a 20% return).

Currently the concession operators at Spanos Center on the University of Pacific campus, Food and Fun Catering has shown the ability to provide high-quality food and service in a professional manner while offering a reasonable rate of return. For this reason, staff recommends that the City Council award the contract to Food and Fun Catering for the operation of concessions at Armory Park and the Softball Complex.

ARBITRAGE REBATE SERVICES CONTRACT APPROVED

RESOLUTION NO. 92-34

CC-90                   The City Council adopted Resolution No. 92-34 authorizing  
CC-190                   the City Manager and City Clerk to execute an agreement  
CC-300                   with the firm of Jones Hall Hill and White to calculate the  
                          City's arbitrage liability and prepare arbitrage reports  
                          for the Certificates of Participation re-financed December  
                          18, 1991.

The City Council was advised that on August 7, 1991 the City Council authorized the City Manager to execute an agreement with the firm of Jones Hall Hill & White to calculate the City's arbitrage liability and to prepare arbitrage reports required by the Internal Revenue Service for the Certificates of Participation issued by the City to finance construction at the White Slough Water Pollution Control Facility. On December 18, 1991, the City refinanced these Certificates of Participation to obtain better interest rates. Accordingly, a new agreement is required to continue the rebate calculation services provided by Jones Hall Hill & White.

As discussed in the Council Communication dated August 7, 1991, arbitrage earnings are the interest earnings from the investment of bond proceeds at interest rates greater than the rates paid to bond holders. In short, the City is prohibited from making a profit by investing bond proceeds. Under the 1986 Tax Reform Act, excess earnings (profit) must be reported to the Internal Revenue Service yearly and then paid to the Internal Revenue Service at the end of five years from the date the bonds were issued. The 1986 Tax Reform Act requires that bond proceeds be expended in full by the end of the fifth year from when they were received. Failure to comply with the 1986 Tax Reform Act could result in withdrawal of the "tax exempt" status of these Certificates of Participation and would result in the interest earnings paid to bond holders becoming "taxable earning" versus "non-taxable earning" which they now are. This would also adversely affect the future credibility of the City in the bond market when seeking financing.

Because of the importance of the arbitrage calculation to bondholders and to the City, it is recommended that the City continue to contract with a firm that specializes in preparing these calculations and reports.

Jones Hall Hill & White was recommended and approved by Council on August 7, 1991 to be the firm to prepare the rebate calculations and official reports based on their prior experience and reputation. Jones Hall Hill & White was selected by the City after review of four proposals for this service.

Considering that only six months have passed since the contract was first awarded to Jones Hall Hill & White, it is the staff's recommendation that the City continue to contract for these services with this firm.

The cost to the City for Fiscal Year 1991-92 will be \$4,000, \$2,000 for each year for each of the next four years and \$500 per year for the bond reserve fund.

CONSULTANT AGREEMENT WITH THE ENGINEERING  
FIRM OF BROWN AND CALDWELL FOR DESIGN  
OF GRANULAR ACTIVATED CARBON (GAC) DBCP  
TREATMENT UNITS FOR WELLS 18, 19, 20, 22,  
AND 23 APPROVED

CC-90

The City Council authorized the City Manager and City Clerk to execute a consultant agreement with the engineering firm of Brown & Caldwell for the design of granular activated carbon (GAC) DBCP treatment units for Wells 18, 19, 20, 22 and 23 and appropriated \$95,000 from the Water Capital Outlay Fund for this phase of the project.

The DBCP treatment study prepared by Brown & Caldwell (B & C) and approved by the State Department of Health Services calls for the use of granular activated carbon units to remove DBCP from City wells. B & C was selected to prepare the plans and specifications for the first GAC unit at Well 16. Their familiarity with Lodi's well sites and their previous experience in preparing plans and specifications for us will be very helpful in meeting the State mandated October 1992 deadline for the installation of these units.

The design cost for these five units is \$79,000 plus City staff time costs and miscellaneous expenses and contingencies for an estimated total of \$95,000.

FINAL MAP AND IMPROVEMENT AGREEMENT  
FOR ALDER PLACE, TRACT NO. 2531

CC-46

The City Council approved the final map for Alder Place, Tract No. 2531, and directed the City Manager and City Clerk to execute the Improvement Agreement and map on behalf of the City.

Vinewest Development, the developer of this subdivision, has furnished the City with the improvement plans, the necessary agreements, guarantees, insurance certificates, and fees for the proposed subdivision.

The subdivision is located at 2410 Cochran Road, 814 Community Drive, and 2323 West Vine Street, and contains a total of nineteen single-family residential lots.

TRAFFIC RESOLUTION AMENDMENT -  
MAPLE STREET AT WASHINGTON STREET  
AND DEFORCE AVENUE AT SCHOOL STREET,  
INTERSECTION CONTROL, CONVERSION FROM  
YIELD SIGNS TO STOP SIGNS

CC-48(h)                   The City Council adopted Resolution No. 92-35 amending the  
CC-300                   Traffic Resolution #87-163 by approving the conversion of  
                          "yield" signs to "stop" signs at the intersections of Maple  
                          Street at Washington Street, and DeForce Avenue at School  
                          Street.

The intersections of Maple Street at Washington Street and  
DeForce Avenue at School Street have been studied due to  
their accident rates. The accident rates at these two  
locations ranked highest on our study list when compared to  
all other intersections controlled with yield signs.

Available accident records for a three-year period indicate  
that at the intersection of Maple Street and Washington  
Street, three of the six reported accidents were  
correctable with the installation of stop signs. At the  
intersection of DeForce Avenue and School Street, three of  
the nine reported accidents were correctable with the  
installation of stop signs.

Based on the low traffic volumes and disproportionately  
high number of accidents, staff recommends converting the  
"yield" signs to "stop" signs at both of these  
intersections. Multi-way stop controls are not justified  
at either of these locations.

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COMMENTS BY CITY  
COUNCIL MEMBERS

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

SUGGESTION RECEIVED REGARDING  
CITY'S UTILITY BILLINGS

CC-16                   Council Member Hinchman referred to the letter received  
CC-51(a)               from Norma Jean Gates, 910 Dianne Drive, Lodi asking for  
                          comparative data on City utility billings stating that he  
                          felt the request was valid and that the City should look  
                          into providing such information on its billings. Further,  
                          Council Member Hinchman suggested that a street level  
                          mailbox be provided in front of City Hall for the payment  
                          of utility bills. Finance Director Flynn responded that he  
                          is currently looking at revamping the City utility bill  
                          format and that he will be coming back to Council shortly  
                          with suggestions regarding the matter.

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COMMENTS BY THE  
PUBLIC ON NON  
AGENDA ITEMS

No comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

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 consider the appeal of Cal-Pac Roofing, Inc., 11350 Monier Park Place, Rancho Cordova, California 95742 appealing the decision of the Lodi Chief Building Official not to let their company roof over existing shake and wood shingle roofs with Decrabond Tile as per ICBO Report 3409.

APPEAL OF CAL-PAC ROOFING, INC.,  
11350 MONIER PARK PLACE, RANCHO CORDOVA  
APPEALING THE DECISION OF THE LODI  
CHIEF BUILDING OFFICIAL NOT TO LET  
THEIR COMPANY ROOF OVER EXISTING SHAKE  
AND WOOD SHINGLE ROOFS WITH DECRABOND  
TILE AS PER ICBO REPORT 3409

CC-24(b)  
CC-53(b)

The City Council was advised that Cal-Pac Roofing, Inc., and the City's Chief Building Inspector have been in discussion over this appeal since September, 1991.

Chief Building Inspector Houston gave the following response regarding the appeal.

Cal-Pac Item No. 1 - ADDITIONAL WEIGHT

Our product weighs 1-1/2 lbs./sq. ft. An existing heavy shake roof weighs about 2-1/4 lbs./sq. ft. when dry, installed over a heavy shake weighs about 3-3/4 lbs./sq. ft., marginally heavier than the existing shake roof when wet and well within the design load limit of 7 lbs./sq. ft. We feel that our product is being confused with other so called "light weight roofing tiles" which weigh 6-8 lbs./sq. ft. and require the conditions required by your Building Department.

I am not confusing Decrabond Tile with other tiles. I know exactly what the product is. Let me give you an example of what we commonly find when an existing shake roof is removed.

Say the home was constructed 35 years ago with a roof framing system which was barely adequate to support its wood shingle roof, which was popular in that era. After 15 years, the house was reroofed with shakes over the top of the existing shingles. This would have been prior to the City of Lodi requiring a building permit for reroofing, which began June 1, 1982. The rafters are now overloaded.

Even though Decrabond is a relatively light-weight roofing product, no additional load should be added to this already overloaded roof. By removing the shake and single roof, the weight of the roof will be returned to its original level.

Cal-Pac Item No. 2 - CONDITION OF EXISTING ROOF STRUCTURE

Dry-rot (or more correctly wet rot) needs moisture to exist. It is mostly found around the perimeter of a structure, along the eaves. Our method of installation ensures we find and replace any damaged wood.

Dry-rot can occur anywhere in a roof structure. It is not unusual to find 1 x 4 spaced sheathing or solid sheathing and rafters rotted in areas where the shakes appear to be still intact. This is caused by a leak higher up on the roof running down the rafter or solid sheathing thus saturating them under the shakes. Unless the shakes are removed, there is no way to detect this deterioration.

Decrabond's ICBO Research Report No. 3409 and the 1988 Uniform Building Code both require that the existing roof must be inspected and approved prior to application of new roof coverings.

Our inspections have revealed that 9 out of 10 shake roofs in Lodi are deteriorated to a point that we would not allow reroof over them with any roofing product.

We are not singling out Decrabond tile. We do not allow any roofing product to be installed over shakes.

Cal-Pac Item No. 3 - ATTACHMENT OF ROOF TO EXISTING ROOF SUB-STRUCTURE

We install a lumber grid system which is attached through the existing wood shingle or shake roof to the structure below. Our roof system provides a structural diaphragm equivalent to installing 15/32 plywood and improves the diaphragm created by spaced sheathing by approximately 300%.

The lumber grid system used by Decrabond Tile is similar to the systems contained in research reports for other roofing products including other metal tiles, clay and cement tile and shakes. The key is to make sure the 1" x 4" counter battens are being nailed to the existing roof structure in a proper manner. Shakes are installed over 1 x 4 spaced sheathing. This leaves a 4" gap between each 1 X 4. If the 1 x 4 counter battens are installed over the existing shakes, it is impossible to tell if the nails have hit a 1 x 4 or are in an open space.

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However, if the shakes are removed and the spaces filled in or the roof sheathed with plywood, we are then guaranteed a positive connection between the new counter batten system and the existing roof structure.

Per Section II.c. of Decrabond's research report an underlayment of two layers of 15-pound organic felt (tar paper) or one layer of 30-pound felt is required in areas subject to blowing dust or sand must be installed. It is a well-known fact that the Lodi area has serious peat dust storms. We also have high winds during rainstorms which will drive water into the smallest of openings. Unless an interlocking roof system is backed up by a felt barrier, leaks will result. Felt cannot be installed over existing shakes because as the workers walk on the felt, it will be torn at the offsets in the rows of shakes. Felt must be installed over a smooth surface such as plywood or an existing composition roof.

I do not agree with Cal-Pac's claim that the owner is getting a superior roof when Decrabond is installed over existing shakes. Don't get me wrong, Decrabond is an excellent product, but not when it is installed over a deteriorated shake roof with nailing of questionable value and no felt backup system.

If you have any questions, I would be happy to address them at this time.

Speaking on behalf of the appeal of Cal-Pac Roofing, Inc. were the following people:

- a) Frank Swartz, 18231 Abbott Lane, Villa Park, California; and
- b) Gary Nickle, 5388 Willow Lake Court, Byron, California.

There being no other persons in the audience wishing to address the City Council regarding the matter, the public portion of the hearing was closed.

Following a lengthy discussion with questions being directed to staff and to those who had given testimony, the City Council on motion of Council Member Sieglock, Pennino second, denied the appeal of Cal-Pac Roofing, Inc., 11350 Monier Park Place, Rancho Cordova, California 95742 appealing the decision of the Lodi Chief Building Official not to let their company roof over existing shake roofs with Decrabond Tile as per ICBO Report 3409. Further, the City Council determined on motion of Mayor Pro Tempore Pennino, Sieglock second, that it would allow roofing with Decrabond Tile over existing wood shingle roofs following approval by the City of Lodi Building Department.

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PLANNING COMMISSION City Manager Peterson presented the following Planning  
REPORT Commission Report of the Planning Commission Meeting of  
February 10, 1992.

CC-35 The Planning Commission -

a. Recommended approval of the following requests of Dana Smith:

- 1. to amend the Land Use Element of the Lodi General Plan by redesignating a 6.71 acre portion of the parcel located on Woodhaven Drive, north of Turner Road, west of Eilers Lane and south of the WID canal (APN 015-230-29) from PR, Planned Residential to MDR, Medium Density Residential (GPA LU 92-1, General Plan Amendment 92-1).
- 2. to prezone a 6.71 acre portion of the parcel located on Woodhaven Drive, north of Turner Road, west of Eilers Lane and south of the WID Canal (APN 015-230-29) PD-28, Planned Development District No. 28.
- 3. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

On motion of Mayor Pro Tempore Pennino, Hinchman second, the City Council set the heretofore listed matters for public hearing on March 4, 1992.

Further the Planning Commission -

b. Conditionally approved 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.

c. Denied 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.

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d. Accepted withdrawal of the request of Claude C. Wood Co. Inc. to abandon East Lockeford Street from Beckman Road to Cluff Avenue.

e. Continued the following items until 7:30 p.m., Monday, March 9, 1992:

1. Request of Lodi Honda for a Use Permit to install a programmable electronic display identification sign on an existing 70' high sign structure at 1700 South Cherokee Lane in an area zoned C-2, General Commercial; and

2. Request of Lodi Honda for a Zoning Variance to increase the maximum allowable sign size from 480 square feet to 818 square feet at 1700 South Cherokee Lane in an area zoned C-2, General Commercial.

RECESS Mayor Pinkerton declared a five-minute recess and the City Council reconvened at 8:50 p.m.

CLOSED SESSION At 8:50 p.m., the City Council adjourned to a Closed Session regarding Litigation - Celiz/Lovell v. City of Lodi, San Joaquin County Superior Court #227183/227151.

CC-200(d)

At approximately 9:15 p.m., the City Council reconvened. No formal action was taken by the City Council regarding the Closed Session topic.

COMMUNICATIONS (CITY CLERK)

CLAIMS CC-4(c)

On motion of Council Member Hinchman, Sieglock second, the City Council denied the following claim and referred it back to Insurance Consulting Associates, Inc., the City's Contract Administrator:

a) Michael and Patricia Drouin, date of loss 11/28 through 12/14/91.

ABC LICENSE APPLICATIONS

CC-7(f)

City Clerk Reimche presented an application for Alcoholic Beverage Control License which had been received from Rick's New York Style Pizza, Inc., 1320 Lakewood Mall, Lodi, California, On Sale Beer and Wine Eating Place, Premise to Premise Service Charge.

APPOINTMENT OF LILLIAN GOLDSMITH  
AS LODI SENIOR CITIZENS COMMISSION'S  
REPRESENTATIVE ON THE LODI AD HOC  
TRANSPORTATION COMMITTEE

CC-2(n) On motion of Council Member Hinchman, Pennino second, the City Council concurred with the Mayor's appointment of Lillian Goldsmith to replace Don Ochs as the Senior Citizens Commission's representative on the Lodi Ad Hoc Transportation Committee.

RESIGNATION FROM LODI PARKS AND  
RECREATION COMMISSION

CC-2(h) Following receipt of the resignation of Dennis W. Jones from the Lodi Parks and Recreation Commission, the City Council on motion of Council Member Hinchman, Sieglock second, directed the City Clerk to post for the vacancy on the Lodi Parks and Recreation Commission created by this resignation. Mr. Jones's term was due to expire on December 31, 1994.

PACIFIC BELL REQUEST RATE INCREASE  
BEFORE THE CALIFORNIA PUBLIC UTILITIES  
COMMISSION

CC-7(f) City Clerk Reimche presented a notice that had been received advising of Pacific Bell's request before the California Public Utilities Commission (CPUC) to authorize a temporary rate increase of \$9.25 million to recover the cost of undergrounding telephone facilities in areas destroyed by the recent Oakland Hills fire.

CITIZEN ASKED FOR COMPARATIVE DATA  
ON CITY UTILITY BILLINGS

CC-16 Following receipt of a letter from Norma Gates, 910 Dianne  
CC-51(a) Drive, Lodi, the City Council referred the matter to staff.

REGULAR CALENDAR

LODI DOWNTOWN PARKING

CC-72 City Attorney McNatt advised the City Council that at the  
CC-150 January 22, 1992 meeting between Mayor Jim Pinkerton, Lodi  
Downtown Business Association representatives Dan Battilana  
and John Borelli, and himself, several questions arose  
concerning parking enforcement in downtown Lodi.

One of the possibilities discussed involved a self-assessment of LDBA members to create a fund which could then be used to reimburse customers who receive parking citations while shopping downtown. There would be several advantages to this approach. First, it would

require no procedural changes in how the City handles parking citations. A customer receiving a citation would pay the fine and take the receipt to the store where he or she shopped when the citation was received. If the store verified the person was a bonafide customer, reimbursement would be made.

This would also discourage overtime parking by downtown merchants and employees, since the two-hour limit would continue to be enforced and they would not be eligible for reimbursement under the LDBA policy. Overtime parking by downtown business people was one of the major points discussed previously.

It was suggested that if this approach was used, that a "two-tier" system of fines be explored. If bail was posted promptly (for example, within 48 hours), a lower bail would apply, and if delayed, the bail would increase. This appears to be feasible.

The Lodi Municipal Court, which sets bail for such violations, already has a "two-tier" bail system in place allowing a lower bail if promptly posted. Although the City Attorney has no knowledge of the logistics under which citations are transmitted to the Court, he believes it would be possible to coordinate between the Finance Department and the Court to allow such expeditious handling.

Although the citations have no vehicle owner information on them when issued, this is obtained and added to the citation before it is given to the Court. Having the name on the citation and the bail receipt would help the LDBA to confirm whether a violator was a customer or an ineligible person.

As a side note, information received from the Finance Department shows that of the \$5.50 bail now set by the Court for overtime parking, State mandated costs make up about \$5.06 of that amount, with the City receiving the other \$0.44 per citation. Our past experience with the Court has shown the Judges to be cooperative with any reasonable request from the City in establishing parking fines/bails. However, it should be remembered that the City has no direct control over the bail-setting for such violations and has no control at all over the amount of State-mandated surcharges imposed.

A second option discussed was the use of "stickers" purchased from the City by LDBA which would then be affixed to parking citations to cover bail or fine. Admittedly, this is a new concept which has not been tried elsewhere to my knowledge and it probably would involve changing the collection procedures. The proposal as discussed would go as follows:

1. The City sells validation stickers to LDBA members. The cost covers at a minimum, the State-mandated costs (presently approximately \$5.00) since these fees apply to all parking citations issued, even if the City instead of the Court collects the bail.
2. Customers receiving the citation would then take them to the merchants who would affix a validation sticker.
3. The citation is then delivered to the City Finance Department and is never processed by the Court.
4. It would probably be necessary to have a strict time limit such as 48 or 72 hours after which the citation would be forwarded to the Court for routine processing if the sticker is not used.

There are obviously pros and cons to this idea. It probably would require the merchants to pay in advance for a sheet or book of validation stickers. This might be to the City's benefit because we would get the funds up front. However, these stickers could be lost, stolen, or misused. It would also require the City to establish a new procedure adopted under a new ordinance to handle this process. Staff resources needed for this program can't be predicted at present, and other problems (such as unforeseen bail increases after stickers are issued) might arise.

Another possibility discussed involved simply terminating routine parking enforcement in downtown, such as the City of Tracy has done. This is the most drastic option which may not be acceptable to anyone.

In Mr. McNatt's discussion with Tracy City Attorney Debra Corbett, she indicated that that their "complaint only" parking enforcement program has not generated a great deal of problem, and she was unaware of specific complaints. However, Tracy is presently working on a new downtown redevelopment plan which will likely contain a "parking element" that will change the situation entirely.

On a related point, it was suggested that lunch hours for Lodi's parking enforcement assistants be staggered so as to provide better coverage around noon. Finance Director Dixon Flynn has said this is possible, but he does not believe this would significantly increase coverage, since the cycles of tire marking and citation issuing do not generally overlap between 12:00 and 1:00 o'clock.



City Attorney McNatt included the following additional information in this report.

On February 13, 1992, Mayor Jim Pinkerton and the City Attorney met with Lodi Downtown Business Association representatives Dan Battilana and John Borelli regarding the downtown parking situation. They indicated the consensus arrived at by the general membership of the LDBA at its recent meeting involved the following recommendations:

1. Keep the parking fines as low as possible. The present \$5.50 figure is preferred, but the merchants understand the fiscal considerations and would not object if the fines were increased slightly to the \$8.50 area.
2. Change permit parking charges so that permit holders can pay monthly or quarterly. In addition, the Association asked if it was possible to purchase quarterly or yearly permits at a slightly reduced rate, such as annual permits sold for approximately \$100. This would benefit the employees who might find it easier to pay parking permit fees on a monthly basis as well as those merchants who know they will be in the area for the entire year and who would benefit from the lower rate for a longer term.
3. No changes in the Municipal Code are recommended. No support was voiced for validation stickers. Some merchants already reimburse customers for parking fines.
4. It was agreed that regular enforcement of parking restrictions by the City should be resumed.

A lengthy discussion followed with questions being directed to staff and to representatives of the Lodi Downtown Business Association who were in the audience.

On motion of Council Member Hinchman, Sieglock second, the City Council approved raising parking fines to \$8.50 and directed staff to report back to the City Council with suggested rate structures for permits to park in the city's permit-only parking lots.

GRAFFITI AND GRAFFITI ABATEMENT

CC-13 City Manager Peterson reported that Mr. Arthur Price, 1053 Port Chelsea Circle, Lodi had requested that the subject of

graffiti and graffiti abatement be placed on the agenda so that he could update the City Council on his observations regarding the matter.

Mr. Price reported that the City Council of Lodi passed a Graffiti Abatement Ordinance in January 1991. After waiting until April 1991, he contacted Mr. Jack Ronsko, Public Works Director, as to why there was no apparent implementation of the ordinance. Mr. Ronsko advised him that a volunteer program by the Woman's Club of Lodi was being put in place. Mr. Price participated in this volunteer program which started strongly but foundered in August due to internal problems at the Woman's Club. When all progress by the Woman's Club stopped, Mr. Price wrote a letter to the Club expressing his disappointment in the collapse of its program. Mr. Price then wrote a letter to Mr. Ronsko again pertaining to his intent in implementing the ordinance. Despite the good intentions of the Woman's Club, its program resulted in a delay of almost one year in the implementation of an effective Graffiti Abatement program. In response to his letter, Mr. Ronsko set up an appointment for Mr. Price to meet Mr. Glenn Baltzer, Street Superintendent, to discuss the graffiti problem. Mr. Baltzer enlisted Mr. Price's aid in obtaining "Hold Harmless" agreements. On February 2 and 3 he obtained "Hold Harmless" releases for nine properties in the area designated as District 2 in the abatement program--roughly east of the railroad tracks between Lodi Avenue and Tokay Street. In obtaining these releases he discovered how difficult it would be for him as a sole volunteer to have any real impact. Many of the properties where work was needed were closed on weekends or vacant. Mr. Price works in Stockton and cannot be in Lodi on weekdays. But really more to the point is the fact that his activity would be a palliative, an excuse for further delay in implementing an effective program. He is willing to continue working but is not willing to play that role.

In talking with Mr. Baltzer, he made clear to Mr. Price the problems he encountered in combatting graffiti. His crew has full-time work on the streets, street signs, intersections, maintenance, etc. At best combatting graffiti could be but a minor activity for his crews. They are neither trained nor prepared to match paints, remove certain types of substances, obtain "Hold Harmless" forms or search out areas where graffiti is prevalent but off the beaten path. Above all private citizens and public officials, as well as the police, know that prompt removal of graffiti is essential. Graffiti allowed to remain breeds graffiti. At best Mr. Baltzer's crew could only make an occasional "sweep" through an area. He made it clear that his men could not "hopscotch" the City. Mr. Price fully understands Mr. Baltzer's dilemma and concurs in his conclusions.

Mr. Price therefore requested that the Council consider and approve an alternative solution--the use of an independent contractor to perform the Grafitti Abatement services. There is in Lodi such an independent contractor, Mr. Dennis Cochran, DBA Grafitti Abatement Service, State Contractors License #413098. Mr. Cochran is licensed in Lodi and Stockton, a member of the Chamber of Commerce and is bonded for one million dollars by Sanguinetti Insurance Company. Mr. Price has no personal interest in his company other than to have seen his work and performance. He knows also that as Lodi residents we share a dedication to keep Lodi a clean, beautiful, grafitti-free city. Mr. Cochran is an expert in his field. He has a complete anti-grafitti program which can include a grafitti resistant paint, paint blending and removal of foreign substances on both public and private edifices, mail boxes, power boxes, etc. regardless of the surface involved. Mr. Price hopes his company makes a profit but that is not his concern. He knows he has cleaned up some areas of grafitti at his own expense. He has also been told by Mr. Ronsko that Mr. Cochran's charges are much lower by far than could be provided by the City without even approaching his level of expertise. At Mr. Price's request Mr. Cochran is submitting a proposal to the Council. The stated objective of the proposal is to eliminate grafitti from Lodi. Included in a packet presented for Council's review was several testimonials including a letter from Congressman John T. Doolittle and two photos. The first because Mr. Price was amazed that such a large amount of grafitti could be removed in only five minutes. The second because it is in his neighborhood. Mr. Price knows in fact that he has returned five times to touch it up. What Mr. Cochran fails to say is that the vandals, knowing that their efforts are futile, have stopped marking up the wall altogether. Mr. Cochran has a full portfolio of color "before and after" shots which show his work. Mr. Price is sure he will make himself available to the Council to amplify his remarks and answer any questions that the members might have for him. Mr. Price makes this recommendation whole-heartily because he is convinced that Mr. Cochran will complete the task set before him.

When the Council enacted the Grafitti Abatement ordinance it made an important decision for the future of Lodi. However, to this point the decision has not been accompanied by a determination to succeed, followed by an allocation of resources sufficient to ensure success. The time to act is now. The City deserves no less.

Addressing the City Council regarding the matter were:

- a) Mr. Dan Danino, 256 Prado Way, Stockton;
- b) Mr. Ed Wahl, 1026 Port Chelsea, Lodi;

- c) Mrs. Virginia Lahr, 311 East Elm Street, Lodi;
- d) Sgt. Richard Dean, Lodi Police Department; and
- e) Mr. Dennis Cochran, 935 Coloma, Lodi.

A lengthy discussion followed with questions being directed to staff and to those who had spoken regarding the matter.

Staff was then directed to report back to the City Council at its next meeting with possible solutions to concerns that were raised during this discussion. Further, members of the City Council encouraged community volunteer efforts in dealing with this problem.

#### KOFU PARK BATTING CAGE PROJECT

CC-27(c)

The City Council was advised by Parks and Recreation Director Ron Williamson that we have been approached by the Boosters of Boys/Girls Sports Organization and Tokay High baseball program to construct a batting cage at Kofu Park.

The location of this facility would be on the first base side of the field near the right field fence and water outlet storm drain, in foul territory. This would be a permanent installation that will allow batting practice facilities like the batting cage operation constructed at Zupo Field some two years ago. Since the batting cage will be near and on the berm that ascends from the bottom of the basin up to a levy for holding storm waters, we would be constructing two retaining walls, made up of railroad ties to hold the rock and earthen fill to raise the cage area above any potential high water level.

A storage building 15' x 12' x 6' would also be constructed to house the pitching machine(s) and batting cage netting. For each use, the doors of the building would be opened, the netting pulled out the length of the cage area, and pitching machine pulled out to a stationary area to pitch balls to a batter. Electricity would be run to the cage to operate the pitching machine. Again, this would be installed above any high water area.

Tokay High School, under their coaches, would control the operation of the cage during high school practice or pre-game situation. Likewise, the B. O. B. S./City would schedule and assign and operate for our youth baseball team usages.

This project was presented to the Parks and Recreation Commission on February 4, 1992, and received their total approval by a vote of 5-0, and comes to you as their

recommendation for support of this project. It should also be mentioned that "Public Notices" were hand carried and issued by Scott Essin, Parks Superintendent, to the residents on Cardinal and South Sunset streets, inviting them to attend the Commission meeting for input. No one attended our meeting.

Also addressing the City Council regarding the matter were:

- a) Mr. Ed Wahl representing the Boosters of Boys and Girls Sports (BOBS); and
- b) Mr. Paul Lavotti, Tokay High School Baseball Coach.

A lengthy discussion followed with questions being directed to those who had addressed the City Council regarding the matter.

Action was deferred on the matter to allow members of the City Council time to view the area proposed for the project.

PLANS AND SPECIFICATIONS FOR THE  
LEASE/PURCHASE OF A MODULAR OFFICE  
BUILDING FOR THE ELECTRIC UTILITY  
DEPARTMENT APPROVED

CC-12.1(c)

The City Council was advised that temporary mobile offices were installed in 1986 and 1989 at the Electric Utility Service Center due to insufficient space for housing of staff. Use Permit extensions for these temporary facilities were granted at the last extension request (May 1991) for a one-year period with the condition that permanent facilities be constructed. On July 17, 1991, the City Council approved the Architectural Service Agreement for development of plans, specifications and bidding document for the installation of a modular (portable) office building.

The Electric Utility Department has been diligently pursuing a solution to its overall space deficiency since 1988. These deficiencies include general office space, rest room facilities (no women's rest room at all), control room compaction, tool and vehicle storage, tool and equipment repair shops and lack of any conference room. Schematic design plans to address all of these needs have been prepared and presented to the City Council on several occasions in the past. Development of these plans into construction plans followed by actual construction has been placed on hold due to other construction needs within the City organization. This recommendation will not address all the deficiencies listed above; it will only provide intermediate relief in the areas where relief must be provided at this time.

The estimated value of this building installed on the site is \$160,000. Bid opening date has been set for March 25, 1992.

On motion of Mayor Pro Tempore Pennino, Hinchman second, the City Council approved the plans and specifications and authorized advertising for bids for the lease/purchase of a modular office building for the Electric Utility Department.

#### COST REDUCTION STUDY

CC-6  
CC-21(b)

City Finance Director Dixon Flynn reminded the City Council that at a Shirtsleeve Session of the City Council on November 5, 1991, staff presented the Council with an analysis of the City's current fiscal condition and recommended actions to be taken to ensure the long term financial health of the City and to ensure a balanced budget in 1992-93. At the conclusion of this meeting and again in January 1992, the City Council advised staff to first determine the cost savings and cost reduction measures that could be adopted before recommending or requesting the Council to consider new fees and/or taxes. Accordingly, the staff recommended that the City contract with a qualified consultant to conduct a cost study to determine where the City could reduce and/or defer operating cost by 5% or more. One or more of the following actions might result in a cost reduction of this size:

- ° Improved supply discipline
- ° Privatization of services
- ° Elimination of duplicate services, functions and equipment between and within Departments
- ° Consolidation of services, functions and equipment between and within Departments
- ° Improved efficiencies through automation and use of new technologies
- ° Reduction of regular, part-time and temporary staff, if necessary

The 1992-93 Budget will be prepared in a setting of economic uncertainty, declining revenues at the City, State and Federal levels of government, in an election year, during a time of voter animosity toward increased taxes and fees and when citizens are demanding the same or greater levels of government services. To balance the demand for services within the City's capacity to pay for these services, the City will have to look for new and innovative ideas, policies and procedures to stretch the limited

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fiscal resources of the City to the greatest extent reasonable.

The City's General Fund reserve is at the lowest level it has been in many years. Less than one-half of one month's operating expenses are available to fund contingencies, emergencies, and unanticipated requirements. Normally, Lodi as well as most cities target to maintain a reserve equal to two (2) months operating expenditures. In the last four years, the City has had to reduce reserves to fund current service levels, employee salary increases and routine operating costs. This is a trend which the City needs to reverse in Budget Year 1992-93. The City's Finance Director estimates that the City will have to reduce costs or raise revenues by \$1.5 to \$2 million in 1992-93 to ensure a balanced budget and to provide some level of reserves for emergencies.

As discussed above and based on City Council guidance, the City needs to determine what actions can be taken to reduce costs. A five percent reduction in operating costs should save the City approximately \$1.5 million. It is staff's suggestion that a consultant should be employed to conduct this study and to make these recommendations for the following reasons:

- ° Analysis and recommendations made as a disinterested party
- ° Experience in analyzing service operations
- ° Not constrained by past practices and unwritten understandings
- ° Knowledge of other cities and efforts to improve efficiency

A study of this scope may require from four to six months to complete to ensure that all operations were reviewed, that proper level of coordination and consultation is conducted with both management and employees, and that, the recommendations are properly presented. The cost of this study may be as high as \$100,000; however, this information will not be known until proposals are received and a cost for these services are negotiated. The determination as to whether the City should proceed with contracting for the service will be in part based on whether the return to the City in cost savings justifies the expense to be incurred.

Discussion followed with Council Members voicing their concerns regarding the matter; the City's fiscal situation; and the cost of the study.

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Continued February 19, 1992

On motion of Mayor Pro Tempore Pennino, Sieglock second, the City Council approved the work statement and authorized staff to solicit proposals from qualified consultants to conduct a study of City services and to recommend cost reduction/cost deferral actions to be taken by the City to reduce operating cost by at least 5%.

ORDINANCES

There were no ordinances presented for adoption.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 11:25 p.m.

ATTEST:



Alice M. Reimche  
City Clerk