

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 15, 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, Finance Director
Flynn, Community Development Director
Schroeder, Public Works Director Ronsko,
City Attorney McNatt, and City Clerk Reimche

INVOCATION The invocation was given by Pastor Vernon Janzen, Vinewood
Community Church.

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

PRESENTATIONS Dorean Rice, Chairperson of the Lodi District Chamber of
Commerce Street Faire, addressed the City Council regarding
the event which is being held on May 3, 1992. Special
buttons for the event were presented to Council Members and
staff.

CONSENT CALENDAR In accordance with report and recommendation of the City
Manager, Council, on motion of Mayor Pro Tempore Pennino,
Hinchman second, approved the following items hereinafter
set forth. Agenda item #E-12 entitled, "Comprehensive
financial report for 1990-91 (City audit)" was removed from
the agenda.

CLAIMS CC-21(a) Claims were approved in the amount of \$1,625,833.65.

MINUTES The Minutes of March 18, 1992 (Regular Meeting) were
approved as written.

PUBLIC HEARING SET REGARDING 1992 WEED ABATEMENT PROGRAM

RESOLUTION NO. 92-59

CC-24(b) The City Council was advised that throughout the spring and
CC-300 summer months, the Lodi Fire Department has an ongoing
program of contacting property owners to remove weeds on
property they own within the City. Follow-up contacts are
made in an effort to have the weeds removed at the earliest
possible date.

The City Council received a list of approximately 300 parcels within the City that are not in compliance with weed abatement requirements.

The City Council adopted Resolution No. 92-59 setting a public hearing for May 20, 1992 regarding the 1992 Weed Abatement Program.

AWARD CONTRACT FOR LODI LAKE PARK CONCESSION

RESOLUTION NO. 92-60

CC-12(a) The City Council adopted Resolution No. 92-60 awarding
CC-300 the contract for the Lodi Lake Park concession to Bone
 Cuisine A La Carte of Lodi for the period of May 1, 1992
 through September 30, 1995.

The City Council was apprised that on February 19, 1992, the City Council authorized the solicitation of proposals for the operation of portable food concessions at Lodi Lake Park for the period of May 1, 1992 through September 30, 1995. Proposals were received from vendors prior to the March 10, 1992 deadline.

Bone Cuisine A La Carte, Lodi - Percentage to City - 16%
Gloria's Catering, Lodi - Percentage to City - 10%

Proposals were evaluated on the basis of experience in concession operation, reputation, and percentage of gross receipts returned to the City. Both bidders operate similar food cart concessions and have been operating locally at different locations. The difference in the proposals is a matter of the percentage return to the City. Therefore, it is the recommendation to award the contract to the bidder offering the highest percentage to the City.

CONTRACT AWARD FOR DEMOLITION OF ELEVATED
WATER STORAGE TANK, 114 NORTH MAIN STREET

RESOLUTION NO. 92-61

CC-12(a) The City Council adopted Resolution No. 92-61 awarding the
CC-300 contract for the Demolition of Elevated Water Storage Tank,
 114 North Main Street, Lodi to Ruff Stuff Construction in
 the amount of \$28,000.

This project consists of the removal of a 100,000-gallon steel, elevated water tank and adjacent buildings. The work shall include the removal of all above-ground support steel, the tank, piping, valves, conduit, wiring and appurtenances. Removal of tank concrete foundation is excluded from the work.

Plans and specifications for this project were approved on January 15, 1992. The City received the following seven bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$50,000
Ruff Stuff Construction	Stockton	\$28,000
*Wayne L. Grist, Inc.	Newcastle	\$38,350
Clauss Construction	La Mesa	\$38,975
American Demolition	Santa Ana	\$39,730
Evans Brothers	Livermore	\$48,600
Ferma Corporation	Mountain View	\$49,400
Joe Heim, Inc.	Dublin	\$65,000

*Wayne L. Grist, Inc., does not have the C-21 License required in the specifications.

CONTRACT AWARD FOR LODI LAKE PICNIC FACILITIES

RESOLUTION NO. 92-62

CC-12(c)
CC-300

The City Council adopted Resolution No. 92-62 awarding the contract for Lodi Lake Picnic Facilities to H. Max Lee, Inc., in the amount of \$97,500.00.

This project consists of installing two picnic shelters on the north side of Lodi Lake. Approximately 600 linear feet of water, wastewater and electrical services and a decomposed granite path must also be installed from the existing restroom to the existing shelter in the youth group picnic area.

Plans and specifications for this project were approved on March 18, 1992. The City received the following seven bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$108,800.00
H. Max Lee, Inc.	Lodi	97,500.00
BRCO Constructors	Loomis	\$102,300.00
McDonald-Glenn Co.	Manteca	\$106,090.01
Grover Landscaping	Modesto	\$110,072.00
Diede Construction	Woodbridge	\$114,680.03
Wimmer Construction	Rancho Cordova	\$116,390.00
Anaconda Engineering	Stockton	\$139,900.00

CONTRACT AWARD FOR FIREWORKS DISPLAY,
FOURTH OF JULY, AT LODI LAKE PARK

RESOLUTION NO. 92-63

CC-12(a) The City Council adopted Resolution No. 92-63 approving the
CC-300 expenditure of funds to purchase fireworks for the Fourth
 of July 1992 celebration and fireworks show from Zambelli
 Internationale Fireworks Manufacturing Co., Inc. in the
 amount of \$8,000.

The City Council was advised that for the past three years, the City has used Zambelli Internationale Fireworks Manufacturing Co., Inc., in presenting the City's Fourth of July celebration and fireworks show. Bids were received from Zambelli and Pyro Spectaculars, Inc. In reviewing the proposals Zambelli offers many more of the larger shells. The large shells go higher and explode much wider than the smaller shells. Pyro Spectaculars is able to compete in the number of shells only by including 50-2 1/2" shells which would be a low bursting shell but could only be seen by viewers that are actually at the lake. For this reason staff recommended that the contract be awarded to Zambelli Internationale Fireworks Manufacturing Co., Inc.

CONTRACT AWARD FOR DISPOSAL OF
PCB CONTAMINATED WASTE

RESOLUTION NO. 92-64

CC-12(a) The City Council adopted Resolution No. 92-64 awarding
CC-300 the contract for disposal of PCB contaminated waste to the
 low bidder U. S. Pollution Control, Inc. (USPCI) of
 Houston, Texas, in the amount of \$23,041.

On March 18, 1992 the City Council approved specifications and authorized advertisement for bids. Bids were opened on April 2, 1992 with the following results.

Supplier	Total Price
U. S. Pollution Control, Inc. (USPCI)	\$23,041.00
General Electric Co.	33,540.00
Falcon Energy Associates	53,425.00

The Electric Utility Department, in its multi-year program to eliminate PCB contaminated oil-filled equipment, has collected forty-eight transformers, twenty-seven 55-gal. drums of liquid and three 55-gal. drums of solid material contaminated with PCBs. This material must be disposed of in accordance with Federal and State guidelines by registered hazardous waste disposal firms.

REVISED TDA CLAIMS FOR 1990-91 APPROVED

RESOLUTION NO. 92-65

CC-7(f) The City Council adopted Resolution No. 92-65 approving the
CC-300 revised Transportation Development Act (TDA) Claim for
Transit Services for Fiscal Year 1990-91.

This revised claim was requested by the San Joaquin County Council of Governments. The revision will provide Lodi with the authorization to transfer funds from the Taxi service to the Dial-A-Ride service.

AMENDMENT TO THE CITY OF LODI PARKING LOT FEES

RESOLUTION NO. 92-66

CC-6 The City Council adopted Resolution No. 92-66 entitled, "A
CC-48(f) Resolution of the Lodi City Council Setting Permit Parking
CC-150 Fees for Public Parking in City-owned Parking Lots",
CC-300 thereby allowing a discount for the purchase of semi-annual
and annual parking passes in City-owned parking lots.

The Mayor and City staff met with the downtown business association in January and February 1992 to discuss parking fines and the City's cost of providing parking enforcement services. One suggestion made during these meetings was to allow for the sale of semi-annual and annual parking lot passes at a discounted rate. At the February 19, 1992 Council meeting, the City Council agreed in principal with this concept and requested staff to return with a recommended fee schedule.

The recommended resolution provides for the quarterly, semi-annual and annual purchase of parking lot permits at a discounted rate. The discount rate used to compute semi-annual and annual payments is 7%. This rate was selected as the average rate of return on funds invested with the Local Agency Investment Fund (LAIF) over the last two years.

PARKING FINES COLLECTION CONTRACT

RESOLUTION NO. 92-67

CC-90 The City Council adopted Resolution No. 92-67 authorizing
CC-150 the City Manager and City Clerk to enter into an agreement
CC-300 with West Computil Corporation on behalf of the City to
receive, maintain and collect parking tickets issued by the
City. The contract with West Computil Corporation will be
for a period of one year at a cost of \$1.10 per ticket.

In November 1991, the Lodi Municipal Court requested the Finance Department to assist the Court in determining what

actions could be taken by the City and the Court to improve the efficiency in processing parking tickets. This request was based on the following concerns of the Court and the City:

- ° Effective July 1, 1992, the Department of Motor Vehicles (DMV) will no longer accept "manual" DMV holds for unpaid parking tickets. DMV holds are issued to insure collection of parking tickets by preventing owners of vehicles with outstanding parking tickets from registering their vehicle. The Court does not have the equipment to issue computer generated DMV holds.
- ° The time required by the Court to process, maintain, and collect parking tickets distracts from other more pressing responsibilities and demands.
- ° Normally the responsibility for collecting parking tickets belongs to the agency issuing the ticket. In Lodi, the City has been fortunate to have the cooperation and support of the Court in the collection of parking tickets. As such, the Court has assumed full responsibility for collecting, maintaining and processing parking tickets.
- ° The cost in personnel time at the Court, Finance Department and the Police Department in processing, maintaining and collecting parking tickets is relatively expensive in relation to costs charged by collection agencies. The Court estimates that they employ the equivalent of one full-time person to process, maintain and collect parking tickets. The Police and Finance Departments estimate they employ the equivalent of 1/2 person to process parking tickets. The time equates to \$3.75 per ticket processed (assumes the average cost per employee is \$25,000 and the number of tickets processed is 10,000). This cost compared to \$1.10 per ticket quoted by West Computil Corporation demonstrates the greater efficiency of private enterprise to provide similar services.

Based on these concerns, staff contacted other local cities to discuss their procedures to collect, maintain and process parking tickets. (Stockton, Galt and Manteca). Staff learned that these cities are currently using the

services of West Computil to collect, maintain and process parking tickets.

Collection Agency Services

- ° Receive, maintain and collect parking tickets.
- ° Provide a toll free 800 telephone number for customer inquiries.
- ° Conduct "in-house" hearings for disputed parking tickets.
- ° Schedule Court dates for violators as requested.
- ° Provide courtesy notifications to violators that they have not paid their parking tickets.
- ° Issue "computer generated" DMV holds.
- ° Provide the City and the Court with daily and monthly reports as to collection status, number of tickets issued and collected, number of tickets issued and collected by officer, etc.
- ° Deposit monies received on a daily basis.

The cost for these services is \$1.10 per ticket processed. Considering the Court and City cost of \$3.75 per ticket processed, staff concluded that the services of a collection agency is not only more efficient but they provide a higher quality of service based on the fact that they process the volume to purchase more efficient equipment and personnel specialized in processing parking tickets.

Purchasing Considerations

Based on this information, staff contacted West Computil and requested a presentation for City staff and Court personnel as to the services they provide cities. The purpose of this presentation was to give the Court and City staff an opportunity to evaluate these services and to determine if contracting for these services would be advantageous. At the same time, Finance Department contacted two other parking collection agencies to obtain price quotes for parking ticket collection. The prices quoted by all three agencies for similar services were:

<u>Company</u>	<u>Unit Price</u>
West Computil	\$1.10 per ticket
Enforcement Tech	\$1.29 per ticket
Data Management Systems	\$1.50 per ticket

Three meetings were held between the Court, Finance and Police Department personnel in January and February to evaluate the advantages and disadvantages of contracting for parking ticket collection. It was concluded that contracting with a firm such as West Computil will improve the quality of service to violators, speed-up the collection process, reduce the number of uncollected tickets, and improve information for use by the Court and City staff as to collection procedures.

Recommendation

It was recommended that the City Manager and City Clerk be authorized to enter into a contract with West Computil for a one-year trial to receive, maintain, and collect parking tickets issued by the City at a cost not to exceed \$1.10 per ticket. The total estimated cost to the City to be \$11,000.

ITEM REMOVED FROM THE AGENDA

Agenda item #E-12 entitled, "Comprehensive financial report for 1990-91 (City audit)" was removed from the agenda.

COMMENTS BY CITY
COUNCIL MEMBERS

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

RECENT HIGH SCHOOL CLEANUP PROJECT
APPLAUDED

Mayor Pro Tempore Pennino congratulated students and parents of Tokay High School and Lodi High School on their recent school cleanup project.

NEW CITY TELEPHONE SYSTEM

Council Member Snider reminded the City Manager of his promise that when the new City telephone system was installed that the public during regular business hours would always have access to a "human contact".

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CONCERN EXPRESSED REGARDING POOR
PUBLICITY REGARDING CITY'S ANNUAL
SPRING CLEANUP PROGRAM

Council Member Hinchman expressed his disappointment on the lack of publicity for the City's Annual Spring Cleanup Program. The City Manager advised the City Council that because of the lack of publicity a second like event will be conducted at a future date.

PUBLIC HEARINGS REGARDING THE
REVISED DRAFT SAN JOAQUIN COUNTY GENERAL
PLAN 2010 AND THE REVISED DEVELOPMENT TITLE

Mayor Pinkerton and Community Development Director Schroeder addressed the City Council regarding the San Joaquin County Planning Commission's scheduled public hearings on the comprehensive planning program and the scheduled public hearings before the San Joaquin County Board of Supervisors regarding the revised Draft San Joaquin County General Plan 2010 and the Revised Development Title.

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:

COMMUNITY URGED TO ATTEND LODI DISTRICT
CHAMBER OF COMMERCE STREET FAIRE

VARIOUS CONCERNS REGARDING PARKING EXPRESSED

Evelyn M. Olson, 1306 Burgundy Court, Lodi President of the Lodi District Chamber of Commerce, addressed the City Council on the following matters:

1. Urged the citizens of this community to attend the Lodi District Chamber of Commerce Street Faire being held in Lodi May 3, 1992.
2. Acknowledged the recent installation of several traffic signals in the community.
3. Complained about the "used car lot" where cars being offered for sale park on the south side of Kettleman Lane between Ham Lane and Hutchins Street.
4. Complained about the parking of large trucks on Cherokee Lane between Kettleman Lane and Poplar Street.

COUNCIL URGED TO RETAIN BASKETBALL
COURTS AT HUTCHINS STREET SQUARE

CC-16 Mr. Bob Phillips, 15 South Rose Street, Lodi addressed the City Council stating that he felt that the removal of the basketball courts at Hutchins Street Square would be a real loss to this community.

PUBLIC HEARINGS There were no public hearings scheduled for this meeting.

PLANNING COMMISSION The Planning Commission had not met since the City Council received the last report.

COMMUNICATIONS
(CITY CLERK)

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

- a) Linda Gentry, date of loss 3/12/92; and
- b) Linda Marie George, date of loss 2/23/92.

ABC LICENSE
APPLICATIONS

CC-7(f) The City Clerk presented the following applications for Alcoholic Beverage Licenses from the State of California:

- a) Thomas Lewis Stockwell, Jr., Food and Fun Concessions for the Softball Complex, 401 North Stockton Street, Lodi On Sale Beer, Original License; and
- b) Thomas Lewis Stockwell, Jr., Food and Fun Concessions for Armory Park, 333 North Washington Street, Lodi On Sale Beer, Original License.

Mr. John Griffin, 783 Palm Avenue, Lodi addressed the City Council indicating that he didn't want beer sales at the softball complex.

Mr. Ron Williamson, Director of the Lodi Parks and Recreation Commission, addressed the City Council regarding the matter indicating that beer had been sold at the complex for at least the last 15 years; however, it was not sold during youth activities at the site. Mr. Williamson responded to questions regarding the matter as were posed by members of the City Council.

RESIGNATION FROM LODI ARTS COMMISSION

CC-2(k) Following receipt of the resignation of Kathleen Manwaring from the Lodi Arts Commission, on motion of Mayor Pinkerton, Hinchman second, the City Council directed the City Clerk to post for the vacancy.

REGULAR CALENDAR

VIDEO - "BIG FEARS - LITTLE RISKS" PRESENTED

CC-183(f) The Video "Big Fears - Little Risks" was presented at approximately 8:00 p.m. The video presents the story of the lack of medical evidence to support the banning of trace elements of certain chemicals in drinking water, such as the regulation imposed by the State of California on the City of Lodi's water system with regard to the presence of dibromochloropropane (DBCP). The video was narrated by Walter Cronkite.

FIRM OF DUFOUR AND ASSOCIATES OF
SACRAMENTO RETAINED TO ASSIST IN OBTAINING
FROM THE DEPARTMENT OF HEALTH SERVICES AN
EXTENSION/WAIVER OF TIME LIMITS FOR
INSTALLATION OF DIBROMOCHLOROPROPANE
(DBCP) FILTERS

CC-90
CC-183(f) The City Council was advised that the City of Lodi is presently going forward with litigation against the various manufacturers of DBCP. In the meantime, we are still obligated pursuant to our operating permit from and orders of the State Department of Health Services to continue with installation of the granular activated carbon filters on some of the City's water wells found to contain DBCP. The costs and other considerations associated with these installations has been discussed at length recently.

While the litigation goes forward, it may be in our best interests to also explore the possibility of relief by way of the administrative process. On April 6, 1992, City Manager Tom Peterson, Public Works Director Jack Ronsko and the City Attorney met with Jim Dufour to discuss that possibility. Mr. Dufour is of the opinion that it may be possible, using the State administrative process, to obtain from the State Department of Health Services a waiver or extension of time in which the DBCP filters must be installed. That period could be from 12 to 36 months and might offer several advantages.

First, the DBCP levels in some City wells may drop in 36 months and might bring them into compliance without the necessity of a filter. The time could also allow the City to explore amending the regulations or orders. The state of available technology continues to improve and during the

extension, we might find a better and more economical solution. Also, if we don't have to put the filters on immediately, there would be no interest accruing on the loan received from the State.

If no extension is received, the City will be obligated to continue installing the filters. One-half of our non-compliance wells must be brought into compliance by October 1, 1992, and the deadline for complete remediation is April 1, 1993.

Mr. Dufour's firm specializes in matters of this nature and his experience covers over 20 years. Hourly rates are \$170 and it is his estimate that it would cost between \$5 and \$10 thousand to handle this matter all the way through a decision by the Office of Administrative Law.

On motion of Council Member Snider, Hinchman second, the City Council approved retaining the firm of Dufour and Associates of Sacramento at a cost not to exceed \$10,000 to assist in obtaining from the Department of Health Services an extension/waiver of time limits for installation of dibromochloropropane (DBCP) filters.

REPORT GIVEN REGARDING 1992 WATER
CONSERVATION PROGRAM

CC-183(d)

Fran Forkas, Water/Wastewater Superintendent presented a report to the Lodi City Council regarding 1992 Water Conservation Program which included the following information.

The City Council, at its last regular Council meeting of April 1, 1992, asked for a recap of the City's water conservation program.

The original water conservation ordinance was adopted by the City Council in 1977 and was not changed until last year. At that time, the following major changes were made to the ordinance:

1. Established no watering between 10 a.m. and 6 p.m. from May 1 through September 30.
2. Eliminated Monday as a landscape watering day. The watering days are as follows:
 - ° Premises having odd numbered street addresses on Wednesday, Friday and Sunday;
 - ° Premises having even numbered street addresses on Tuesday, Thursday, and Saturday.

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3. Made provisions for watering new lawns and plantings aside the allowed watering times and days.
4. Increased fines for wasting water.
5. Provided control of overwatering during winter months.

Starting Monday, April 13, 1992, the City will be using three part-time Water Conservation Officers to patrol for water wasting and to answer water complaint calls. These part-time personnel will be rotated to provide patrol at all different hours.

In addition to water conservation patrol and responding to complaints, our 1992 program will include:

1. Active participation in Water Awareness Month during the month of May.
2. Providing an information booth at the Lodi Grape and Wine Festival during the month of September.
3. Participating in the annual County Conservation Fair in October with an information booth.
4. Providing an information booth at the City's Crime Prevention Fair in May.
5. Promoting water conservation in a joint effort with the Lodi News Sentinel to produce a semiweekly article called "Water Wise".
6. Continuation of our classroom education program.
7. We will again enlist the help of all Public Works and other City personnel to alert the Water Conservation Office of water waste occurrences.

Mr. Forkas then responded to questions regarding the subject as were posed by the City Council.

Addressing the City Council regarding water conservation was Mr. Carlos Rodriguez of Stockton, California.

COMPLETION OF CONSTRUCTION OF AUBURN DAM

CC-6 City Manager Peterson introduced the subject advising that staff was informed last week that the County of San Joaquin was contributing \$50,000 toward efforts of legislative advocacy of the completion of Auburn Dam. It was suggested that the City of Lodi join in this effort with a token contribution of \$1,000. Staff has since learned that the \$50,000 amount is being pledged by the San Joaquin Partnership at the request of the County. Since the City of Lodi is a contributor to the San Joaquin Partnership, as is the county, it was recommended that no additional City funding be pledged.

Following a brief discussion, Council Member Sieglock requested that the City Clerk note for the record that he has always been a strong supporter of this project and that he very much supports what the San Joaquin Partnership is doing in this regard to lobby for this project. The Auburn Dam is now at a critical stage. The Army Corps of Engineers released a feasibility study a few weeks ago to authorize the go-ahead for a dry dam at Auburn which would cost \$700,000,000. Council Member Sieglock indicated that he feels it is ridiculous to spend that kind of money and that he believes the right thing to do is build a multi-purpose project which would provide water and power, enhance the fishery, provide flood control and enhance the flows in the lower American River. There would be a direct benefit to this region.

On motion of Council Member Sieglock, Hinchman second, the Lodi City Council adopted Resolution No. 92-70 supporting the construction of a multi-purpose Auburn Dam.

RECESS Mayor Pinkerton declared a five-minute recess and the City Council reconvened at approximately 9:30 p.m.

POLICY ON OWNERSHIP AND MAINTENANCE
 OF NEW RIGHT-OF-WAY FENCES AND
 LANDSCAPING AT REVERSE FRONTAGE LOTS

CC-6 Mr. Rich Prima, Assistant City Engineer advised the City
 CC-46 Council that the design of new residential subdivisions adjacent to arterial streets often includes the use of reverse frontage lots. "Reverse frontage" means the lot faces the interior of the subdivision with the rear of the lot on the arterial. A fence is usually constructed at the right-of-way line on the arterial street. Some specific plans require this design (Lower Sacramento Road and South Hutchins Street). Some past developments have proposed such fences that have been accepted by the City for ownership and maintenance. Others, mainly those which include landscaping, are under private ownership and maintenance.

Many of the new developments proposed under the growth management plans include reverse frontage lots. These have a number of advantages to the developer and future homeowner. For example, the City's Design Standards require lots on arterials be designed such that exiting vehicles do not back out onto the arterial. To do so requires a larger, more expensive lot. The fence also, if designed to do so, provides some sound reduction, and, of course, privacy from busy street traffic.

The General Plan, in the Urban Design and Cultural Resources element, indicates the City will develop ". . . a street tree program, with an emphasis on enhancing major arterial streets . . .". The right-of-way provided in the proposed development plans does not include room for trees, nor do they propose landscaping. Although the Planning Commission would certainly have an interest in the provision and design of fences and/or landscaping, the decision on ownership and maintenance should rest with the City Council due to the potential cost and impact on the City budget. In order to expedite the new developments, staff is requesting that the Council provide the Commission, staff and the development community with a policy guidance.

Costs

The City presently is responsible for roughly 3.2 miles of reverse frontage fence with no landscaping except for the trees in tree wells on South Hutchins Street. The designs are based on grape stakes with block pilasters and returns. They are fairly simple to maintain and remarkably graffiti free, probably due to the difficulty of painting on the grape stakes. We probably average five repairs per year at a total cost of roughly \$4,000. Most of the repairs are due to vehicle damage and are often reimbursed from the driver's auto insurance. None of the fences have reached an age where total replacement of the wood has been necessary. Our track record with the South Hutchins Street trees has been less satisfactory. Vandalism has been so frequent we have stopped replacing the trees. Maintaining the irrigation systems is also a significant effort.

The cost of landscaping maintenance depends on the type and age of the planting. Cost of trees alone (in tree wells) would be much less than turf or shrubbery, assuming root damage is minimized with careful tree selection and installation. Presumably, landscaping along fences would be similar to that in medians. Present total contract costs for median maintenance are nearly \$11,000 per year. This includes the median on Hutchins Street north of Harney Lane, Lower Sacramento Road between Turner Road and Allen Drive, and Ham Lane between Kettleman Lane and Harney Lane. It also includes various islands and other small

medians. An approximate average cost per mile for strip landscaping is \$5,730 for contracted maintenance. This does not include water, power, supervision and administration and City repairs to sprinklers and trees. For estimating purposes, the total cost is assumed to be \$8,000 per mile. (For landscaping on both sides of the street, the cost would be double.) There are roughly two miles of proposed right-of-way fence and a potential for an additional five miles if these were extended with future development.

Replacement costs for fences and landscaping are difficult to estimate. Certainly, over the long run, replacement of wood portions will be needed. Shrubbery and irrigations systems will eventually need replacement. On an annual basis per mile, these replacement costs have been estimated at \$8,000/year for fences and \$2,000/year for landscaping. Our present annual cost (including replacement) of approximately \$30,000 per year could increase to as much as \$165,000 per year if all new right-of-way fences are landscaped similar to medians. The costs of median landscaping is also shown for comparison.

Alternatives

There are a myriad of ownership and maintenance alternatives for right-of-way fences and landscaping. The applicability and practicality of each is influenced by the presence of landscaping. The following briefly describes the main alternatives. In all cases except as noted, it is assumed the developer would pay for and construct the initial fence and/or landscaping as part of the subdivision improvements.

- 1) City ownership and maintenance - This is fairly straightforward and the alternative favored by developers. Maintenance standards would be set by the City, although, there would undoubtedly be pressure from adjacent residents to keep a high standard. Costs could be borne under a number of options:
 - a) City cost - Costs for existing median maintenance are borne by the City's General Fund. While these could be borne by Gas Tax funds, this would reduce funding for typical street maintenance. In either case, the general taxpayer is paying for the maintenance.
 - b) Property assessment - Adjacent property owners, or others benefiting owners

from the fence and landscaping, could be assessed under various State laws. The most practical would be the Landscaping and Lighting Act of 1972. This requires a fair amount of ongoing administrative work and has the subject of scrutiny by the State legislature. The legislature is concerned over perceived abuses and may change the Act to require annual mailings to each property owner and prohibit the Council from overriding majority protests. If this were to happen, the costs would fall under Option a).

- c) Lump sum prepayment - The developer could be required to pay a lump sum toward future maintenance and/or replacement. The amount would depend on assumptions for interest, the number of years and estimated costs. Payment could be deferred until lots are sold or developed to ease the developer's cash flow. Note that the lump sum figure increases only marginally as the term increases beyond fifty years.

- 2) Private ownership and maintenance - This alternative would require the developers to either place deed requirements on each reverse frontage lot, or establish a homeowners' association to collect homeowner fees and maintain the improvements. The developers generally do not favor forming an association unless it is key to the project such as in Parkview Terrace which has "common" facilities. Standards of maintenance would be determined by the property owners unless there were some type of agreement with the City providing for maintenance requirements.

In either case, City staff has been concerned about ongoing maintenance. Of the 2.4 miles of private fences, the maintenance has generally been good. However, these are fairly new and a notable exception is the wood fence on Ham Lane. In that case, the property owners are requesting the City to pay approximately 85% of the cost of a new masonry fence.

The following draft policy statement is recommended for Council consideration. This is a general policy statement. Many details will need to be worked out once

staff and the development community have some general direction.

D R A F T

Policy on Right-of-Way Fences and Landscaping

1. Where an approved development provides a fence with landscaping along the street side, both shall be privately owned and maintained. The developer shall either establish a homeowners' association to maintain the improvements, or place appropriate requirements in each parcel's deed. Either method shall include a provision as provided by the City Attorney requiring maintenance to City standards and a provision allowing the City to have work performed and charge the property owner in the event of noncompliance.
2. Where an approved development provides only a fence along the streets side, the fence shall be owned and maintained per 1., above, or it will be City owned and maintained and the developer shall pay a fee to the City. The fee shall be determined by the City and guaranteed as part of the development's improvement agreement, and be paid upon sale of the lot or issuance of a building permit.
3. Trees shall be required within approximately ten feet of all right-of-way fences. They shall be incorporated within the landscaping in 1., above, or in 2., above, a landscape easement shall be provided on the parcel side of the fence and shall be privately owned and maintained. The developer shall either install the trees and a temporary irrigation system and maintain the trees until lot development, or pay the City for the installation. The City will include these landscaping easements in the City's tree planting program and install trees at no additional charge to the property owner.

Addressing the City Council regarding the matter were:

- a) Mr. Dennis Bennett, 777 South Ham Lane, Lodi;
- b) Mr. Jeff Kirst, 109 River Meadows Drive, Lodi; and

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Continued April 15, 1992

c) Mr. Steven Pechin, 323 West Elm Street,
Lodi.

Based on the information given by those addressing the City Council regarding the matter, the Mayor asked that the developers and staff meet and bring back to the City Council at a future meeting their mutual recommendations regarding the matter.

COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM

RESOLUTION NO. 92-68

COMMUNITY DEVELOPMENT BLOCK GRANT
REALLOCATIONS APPROVED

CC-55 Community Development Director Schroeder advised the City Council that the City's expected Community Development Block Grant (CDBG) allocation for Fiscal Year 1992-93 is \$422,966.00.

Staff recommends allocations to the following projects:

Administration

Provides for the administration of the CDBG Program as prescribed by HUD. (\$20,750)

Fair Housing

Provides fair housing counseling and referral services to City residents in order to eliminate discrimination in the provision of housing and to promote greater choice in housing opportunities. (\$5,000)

Code Enforcement

Provides for a part-time Code Enforcement Officer and clerical assistant who work to arrest the decline of certain eligible areas in the City, particularly the East Side. Enforcement activities include auto and nuisance abatement, housing inspections, and zoning enforcement. (\$21,882)

Dial-A-Ride

This program, which was begun last year will continue to provide travel vouchers to meet the needs of Lodi's low/moderate income and senior citizens utilizing the local Dial-A-Ride service. This service will permit such individuals the freedom of travel where otherwise they might be denied that ability. (\$5,500)

Housing Rehabilitation

This existing program provides for low or no interest amortized and deferred loans and grants for low and moderate income homeowners on the East Side to fix up their homes.

In recent years this program has attracted enough applicants so that all money currently in the account is spoken for. We expect an increasing number of residents to take advantage of this program in future years. (\$258,871.73)

Hale Park

This project is a continuation of the 1989-90 Hale Park Improvements Project. The funding is being requested to provide for a small shortfall due to a higher than anticipated completion costs. This final amount will allow for completion of the park renovation scheduled to begin construction on or about April 21, 1992. (\$15,000)

Kofu Park Handicap Walkway

This project will replace a 200 foot concrete walkway leading from Ham Lane to the restroom/recreation building. The new walkway will eliminate several steps, will be flat and level and will add a curb cut in Ham Lane which will provide for wheelchair accessibility from that side of the park. (\$8,000)

East Side Street Lighting

This project will provide for the installation of new lights on streets adjacent to several public facilities in the east side. The target sites are Blakely Park, Van Buskirk Park, Hale Park, and the Lodi Academy. (\$70,562.67)

Senior Service Agency Kitchen

This project will provide for the completion of the new kitchen. A shortfall was created when some integral construction items were inadvertently excluded from the original estimate. The meals prepared at the kitchen will serve Lodi's senior citizens and will be distributed through local agencies and organizations. (\$17,400)

On motion of Council Member Snider, Hinchman second, the City Council adopted Resolution No. 92-68 entitled, "Resolution of the City Council of the City of Lodi, California approving the Projected Use of Funds for the Fiscal Year 1992-93 Community Development Block Grant Program".

Further, the City Council, on motion of Council Member Snider, Hinchman second, approved the following reallocations of Community Development Block Grant money from past years' accounts into current accounts. These actions are an integral part of the 1992-93 Entitlement Statement.

Emerson Park Allocation

Would transfer \$27,000 from this account into the Hale Park Improvements account in order to provide sufficient funding for completion.

Hale Park Parking Lot

It was decided to postpone this project indefinitely. The \$100,000 would be reallocated to the Hale Park Improvements in order to provide sufficient funds for completion of the park.

Homeless Shelter

There was a balance of \$748.05 remaining in this account upon completion. The amount would be transferred into the Housing Rehabilitation Program.

The City Council was apprised that the transfers from the Hale Park Parking Lot and the Emerson Park accounts are necessary to close the accounts and transfer their balances into the Hale Park Improvements account.

Subsequent to approval of funding for Emerson Park, it was determined that the work required would far exceed the \$27,000. Since the estimates for Hale Park had increased, it was decided to use the \$27,000 to help make up the shortfall instead of requesting it in the 92-93 entitlement.

It was decided by staff that the Hale Park Parking Lot would no longer be included as a part of the park project. It was also decided that the \$100,000 should also be used to help make up the shortfall for the Hale Park Improvements project for the same reason as above.

After the Homeless Shelter was completed it was discovered that a balance of \$748.05 remained in the account. In order to close this account, the balance needs to be transferred out. Due to the small amount, the Housing Rehabilitation was thought to be the best account to receive the money.

REINTRODUCTION OF ORDINANCE NO. 1548
TO COMPLY WITH STATE LAW REQUIRING THE
OPPORTUNITY FOR PUBLIC COMMENT BEFORE
COUNCIL ACTION ON AGENDA ITEMS

ORDINANCE NO. 1548

CC-6
CC-149

The City Council was advised that Ordinance No. 1548 was originally introduced at the Council meeting of April 1, 1992, in order to comply with new State legislation. Its purpose was to allow the opportunity for public comment on any item before Council action on the matter.

Concerns were expressed that under the new agenda format, persons arriving just a few minutes late would entirely miss the chance to speak because the new agenda slot for public comment came so near the beginning of meetings. In order to address these concerns, the amended Ordinance No. 1548 allows two opportunities for public comment.

The first (Item "E") comes before adoption of the consent calendar, and allows comment on any topic. The second (Item "H") would address comments on non-agenda items, and appears where it did in the old format. This should take care of the concerns expressed.

On motion of Council Member Snider, Hinchman second, the City Council reintroduced Ordinance No. 1548 entitled, "An Ordinance of the City Council of the City of Lodi Amending Section 2.04.100 of the Lodi Municipal Code, Regulating the Order of Business for City Council Meetings".

MID-YEAR BUDGET REPORT

CC-21(b)

Finance Director Dixon Flynn presented for the City Council's review a mid-year budget report advising that the purpose of this report is to provide the City Council a financial update and to recommend revenue and appropriation adjustments as required for the current fiscal year. Although monthly financial reports are distributed to the Council on an ongoing basis, this review provides the City Manager with an opportunity to identify and present any fiscal problems to the Council which have been recognized during the mid-year review and to recommend appropriate action prior to the end of the fiscal year.

Short Summary

The City's overall financial condition generally conforms to the 1991-92 budget as approved by Council in June 1991. The City has experienced significant shortfalls in several revenue sources which impact the General Fund; however, these shortfalls have been offset by \$1 million of additional revenues. At the same time, expenditures

increased \$2,040,817 or 2.7% over current appropriations. These increases were approved by Council during the course of the year as "off-cycle" budget appropriations, i.e., compensation increases, capital projects, etc, or represent adjustments for unfunded balances in prior year fund balances.

Revenues for Fiscal Year 1992-93 are projected to increase by 7% due to one-time revenues and moderate growth in tax revenues. If the State further reduces the City's revenues or increases mandates, the impact in Fiscal Year 1993-94 could be significant. The current revenue projections for Fiscal Year 1992-93 will allow the City to maintain current service levels. However, it should be noted that this is due in large part to one-time revenues to be received by the City from PERS refunds which will be used to finance General Fund operations and from Impact Fees for new construction and infrastructure.

Fund balances at the beginning of the 1992-93 Fiscal Year are anticipated to be low and do not provide the City with any flexibility to finance increased service levels, emergencies, and/or unanticipated expenditures unless changes are made to current budget policies which allow funds to be "fenced" for special interest programs and capital projects. There is a minimum of \$12.6 million in funds set aside for special programs and capital projects.

FINANCIAL CONDITION SUMMARY

Revenues

A summary of revenues by major category and source was provided for the period 1989 through 1993. A comparison of the original 1991-92 revenue estimates, adjusted 1991-92 revenue estimates, and projected revenue estimates for 1992-93 was provided. As reflected in these summaries, staff projects significant shortfalls in key General Fund revenue sources, although one-time, unanticipated revenues during 1991-92 and 1992-93 off-set these losses and allow the City to maintain current service levels. These projections are consistent with the trends previously identified and discussed with the Council.

The revenues for 1992-93 are projected to increase by 7% or \$4.5 million overall based on improved economic conditions in the housing market and retail sales, a one-time PERS distribution, and the collection of Impact Fees for new construction. Property tax is currently expected to increase 5%. The PERS refund will provide the City with an additional \$950,000 for City services. And the impact fees approved by Council in 1991 are project to be \$5 million.

All revenue projections were developed based on information obtained from City staff, other agencies and City consultants. These estimates have been made on a conservative basis and every effort was made not to overestimate revenue growth due in part to the low fund balances in the operating funds and the possibility that the State may further reduce City revenues and increase mandates. As additional information becomes available from the State, these estimates will be revised and incorporated into the 1992-93 budget.

Taxes

The 1991-92 tax revenues are following state-wide trends and are currently down 5% or \$560,000 due primarily to lower sales tax, transit lodging and real property transfer taxes. Staff estimates that tax revenues will increase by 3% in 1992-93 due to an improved housing market and retail sales; however, the sales tax increase of \$50,000 is very conservative. This estimate accounts for economic uncertainty and is based in part on low fund balance in the General Fund.

Licenses and Permits

Overall revenues have increased over original estimates by 28% or \$67,200 due primarily to an increase in bicycle licenses and parking lot permits. The projected 3% increase in Fiscal Year 1992-93 is due to the increase in parking lot permits approved by Council in December 1991.

Fines, Forfeitures and Penalties

Revenues are down from original estimates by 22% or \$71,000 due primarily to State legislative action to reduce vehicle code fines by 50% for trial court funding. However, staff projects an overall increase of 28% in 1992-93 due to the fines for delinquent payment of utility bills and the parking fines approved by Council in December 1991.

Revenue for Use of Money and Property

Investment revenues continue to decline due to lower interest rates and fund balances. The decrease in revenues during Fiscal Year 1991-92 is projected to be 6% or \$102,700 less than the original projections. In Fiscal Year 1992-93, these revenues are projected to decrease 31% or \$536,800. This is a significant reduction in revenue considering that in 1989-90, the City's investment revenues were \$3.5 million.

Subventions and Grants

The revised projections reflect an increase in revenues of \$108,600 in 1991-92 due primarily to Measure K funding for street maintenance, construction and development. However, the 1992-93 revenue projection is down 2% or \$103,000 due to the loss of Cigarette Tax and a 77% decrease in Transportation Partnership funding.

Service Charges

An increase of \$546,659 in the 1991-92 revenue projections and \$4.8 million in the 1992-93 revenue projections. These increases are primarily attributed to increased construction activity in Lodi. While these projections may appear to be less than conservative, the City Engineer has based the projections for Impact Fees and Engineering Fees on the development plans submitted by developers. It should be noted that Impact Fees cannot be used for capital projects until received and therefore limit expenditure growth to the amounts received.

Service Charges - Enterprise Activities

There is a \$276,000 increase projected in the 1991-92 revenue estimates and a \$90,000 increase projected in the 1992-93 revenue estimates. The increase in the Sewer Fund is based on rates approved by the City Council in 1991. As new residential property is sold, these revenues should increase at a rate consistent with increases in property tax and impact fees. In May 1992, the City Council will be presented with recommendations for water and sewer rate increases which will increase these estimates if approved.

Trust and Agency Revenues

There is no change in the original projections for 1991-92. The Turner Cluff Assessment Bonds were called in 1992-93 and paid off with existing reserves; accordingly, there were no expenditures made from this Trust Account.

Other Revenues

The increase of \$472,000 in 1991-92 reflects a \$986,000 PERS refund approved by the State under AB 702. In 1992-93, the City will again receive a distribution of \$950,000 from PERS. This is a final distribution from PERS. This distribution will be allocated to the General Fund to fund current operations.

Operating Program Expenditures

Table 3, which was presented for Council's review, includes an overview of changes to the operating budget since

adoption of the 1991-92 Budget. Organized by Fund and Department, the table includes the original budget, encumbrance carryovers from the prior year and changes to the budget since adoption. These summaries also reflect the recommended budget appropriations.

Projected Fund Balances

Based on the revised revenue projections, expenditure summaries and approved capital outlays, Table 4 and Table 5 presented for Council's review, summarize changes in fund balance for each fund at June 30, 1992. As provided in the revenue projections, changes in fund balances have been expanded to include revised projections for 1991-92. Accordingly, this allows the Council to review not only the impact of these revisions on the current fiscal year funding but also the expenditure limits for 1992-93 based on projected revenues.

The General Fund, Electric Fund and Water Fund will not have adequate fund balances necessary to provide additional service levels, provide for contingencies, or fund unanticipated expenditures. The projected balance in the General Fund at June 30, 1992 highlights the need for the City to reduce operating costs and to develop appropriate revenue strategies to ensure the financial health of the City. The following is a summary of concerns regarding the City's projected financial position for key funds at the end of 1991-92.

General Fund

The General Fund balance is projected to be \$757,955 at June 30, 1992 of which \$1,157 will be available. As previously discussed with Council, this balance does not provide the City with the necessary flexibility to fund greater service levels, provide for contingencies, or pay unanticipated expenditures. Thankfully, the one-time \$986,000 distribution from PERS will allow the City to continue the current level of operations through June 30, 1993. After this date, unless additional revenue sources are developed and costs reduced or current revenues significantly rebound, the City may have to make significant reductions in current service levels.

Electric Fund

The Electric Fund will end the 1991-92 Fiscal Year with a \$1.6 million balance which after deductions for approved requirements leaves a negative fund balance of \$1,501,267. This loss offsets the funds set aside for rate stabilization by \$1.5 million.

Sewer and Water Fund

The balance in the Water Fund at June 30, 1992 will be \$365,700. At this time, no changes have been made in the assumptions originally used to prepare the 1991-92 Sewer Fund budget. Staff will be making recommendations to increase water and sewer rates in May 1992, which, if adopted, will offset the current available fund deficit in the Water Fund.

Capital Project Funds

The fund balance of the Capital Project Fund is projected to be \$4,563,682 at June 30, 1991; however, the available fund balance is currently projected to be \$34,207. There are \$4,113,720 in capital projects (all funds combined) approved by Council which have not been started and which could be reprogrammed.

Mid-Year Budget Requests

Based on current fund balances and projected revenues, the staff is not requesting additional funds for current year services beyond the amounts previously requested and approved. However, additional appropriations are necessary to fund compensation increases approved by Council, unanticipated increases in current expenditures, and prior year expenditures not previously approved.

Following discussion with questions being directed by the City Council to Finance Director Flynn, the City Council, on motion of Council Member Hinchman, Pinkerton second, received for filing the Mid-Year Budget Report with revenue projections for Fiscal Year 1992-93 and adopted Resolution No. 92-69 entitled, "A Resolution of the Lodi City Council Approving Supplemental Appropriations for Fiscal Year 1992 by Fund."

VOTING DELEGATE AND ALTERNATE DETERMINED
FOR ANNUAL AMERICAN PUBLIC POWER
ASSOCIATION MEETING BEING HELD IN WASHINGTON
D. C. JUNE 13 - 17 , 1992

CC-7(1) On motion of Mayor Pro Tempore Pennino, Hinchman second, the City Council designated Mayor Pinkerton as the voting delegate and Mayor Pro Tempore Pennino or Council Member Snider as the voting alternate for the American Public Power (APPA) Annual Conference being held in Washington D. C., June 13 - 17, 1992.

ORDINANCES

ORDINANCE AMENDING THE LODI MUNICIPAL
CODE CHAPTER 15.64 "DEVELOPMENT IMPACT
MITIGATION FEES" ADOPTED

ORDINANCE NO. 1547 ADOPTED

CC-46
CC-149

Ordinance No. 1547 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 15.64 'Development Impact Mitigation Fees'" having been introduced at a regular meeting of the Lodi City Council held April 1, 1992 was brought up for passage on motion of Council Member Snider, Hinchman second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by unanimous vote of the City Council.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 10:40 p.m.

ATTEST:


Alice M. Reimche
City Clerk