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CITY COUNCIL, CITY OF LODI  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 6, 1992  
7:30 P.M.

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

INVOCATION The invocation was given by Assistant City Manager Glenn.

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

PRESENTATIONS

1991 UNITED WAY CAMPAIGN

Pat Patrick, Lodi Campaign Leader for the 1991 United Way Campaign presented Council Member/Lodi Boys and Girls Club President Jack Sieglock with a check in the amount of \$40,283.54 for the Club's Building Fund. Further, Mayor Pinkerton was presented with a plaque for the City's efforts in the 1991 campaign.

PROCLAMATIONS Mayor Pinkerton presented the following Proclamations:

- CC-37 a) "Peace Officers' Memorial Day";
- b) "Poppy Day";
- c) "Public Works Week"; and
- d) "Walk for the Health of It".

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

Agenda item #E-5 entitled, "Contract award for Modular Office Building for Electric Utility Department" was removed from the Consent Calendar and discussed and acted upon at another point on the agenda.

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CLAIMS CC-21(a) Claims were approved in the amount of \$4,329,328.41.

MINUTES The Minutes of April 1, 1992 (Regular Meeting) and April 15, 1992 (Regular Meeting) were approved as written.

RESOLUTION APPROVING AGREEMENT WITH SALVATION ARMY FOR DEDICATION OF RIGHT-OF-WAY ON LOCKEFORD STREET AND RELOCATION OF BUILDING WITH FUTURE STREET WIDENING

RESOLUTION NO. 92-77

CC-90 The City Council adopted Resolution No. 92-77 approving the  
CC-300 agreement with Salvation Army for dedication of right-of-way on Lockeford Street and relocation of building with future street widening and directed the City Manager and City Clerk to execute the agreement on behalf of the City.

The City Council was advised that on August 30, 1991, the Salvation Army Corps, owners of the property located at 525 West Lockeford Street, Lodi, California, filed an application for a building permit for the interior remodeling of the existing structure on their property. As a condition of the issuance of a building permit for the remodel, the Public Works Department required that a 10-foot right-of-way dedication and corner cutoff dedications be made (Lodi Municipal Code 15.44.060) to comply with minimum right-of-way widths required by the City of Lodi Public Improvement Design Standards located immediately behind the existing back of the walk on Lockeford Street, dedication of an additional 10 feet would place the structure in the public right-of-way.

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

The owner has executed the grant deed and the agreement.

IMPROVEMENT DEFERRAL AGREEMENT FOR  
HANDICAP RAMP INSTALLATION AND SIDEWALK  
REPAIR AT 1320 NORTH HAM LANE, LODI

RESOLUTION NO. 92-78

CC-90                   The City Council adopted Resolution No. 92-78 approving the  
CC-300                   Improvement Deferral Agreement for handicap ramp  
                          installation and sidewalk repair at 1320 North Ham Lane,  
                          Lodi, California, and directed the City Manager and City  
                          Clerk to execute the Improvement Deferral Agreement on  
                          behalf of the City.

The City Council was advised that on January 7, 1992, an application was filed for a building permit for a tenant improvement (pizza parlor remodel) in Suite D-7 of Lakewood Mall (1320 North Ham Lane). As a condition of the issuance of a building permit for the remodel, the Public Works Department required that damaged and patched sidewalks fronting the property on Elm Street and Ham Lane be repaired and that a handicap ramp be installed at the intersection of Ham Lane and Elm Street (Lodi Municipal Code 15.44.030 and 15.44.050). However, since the owner is currently developing plans to remodel the existing shopping center within the next year, the Public Works Department offered to defer the sidewalk repair and handicap ramp installation for one year or until the shopping center is remodeled, whichever occurs first, provided the owner would enter into an Improvement Deferral Agreement with the City (Lodi Municipal Code 15.44.040). The owners, Stone Bros. and Associates, have signed the agreement in which they agree to pay for and install a handicap ramp and repair damaged sidewalks within the time frame mentioned above. The executed agreement will be recorded and run with the land, and shall be binding on the successors, heirs, or assigns of the current owners.

AGENDA ITEM REMOVED FROM CONSENT  
CALENDAR AND DISCUSSED AND ACTED UPON  
UNDER ANOTHER SEGMENT OF THE AGENDA

Agenda item #E-5 entitled, "Contract award for Modular Office Building for Electric Utility Department" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.

CONTRACT AWARD FOR 1992 SIDEWALK REPAIR  
PROGRAM

RESOLUTION NO. 92-80

CC-12(a)               The City Council adopted Resolution No. 92-80 awarding the  
CC-300               contract for the 1992 Sidewalk Repair Program to ACE

Concrete Service in the amount of \$26,250.00 and rejected the bid submitted by Robert Meza Construction.

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

Staff also recommended that the bid submitted by Robert Meza Construction be rejected. Mr. Meza's bid was not submitted on the proper form and the specifications clearly state that "No bid will be considered unless it is submitted on a proposal form furnished by the City of Lodi."

Plans and specifications for this project were approved on February 5, 1992. The City received the following five bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$26,399.50
ACE Concrete Service	Oakdale	\$26,250.00
Popuch Concrete	Lodi	\$27,245.00
Teichert Construction	Stockton	\$50,140.00
Cunningham & Son, Inc.	Oakdale	\$54,565.00
*Robert Meza Construction	Oakdale	\$25,950.00

\*irregular bid

CONTRACT AWARD FOR CONSTRUCTION  
OF BERMS AT HENNING SUBSTATION,  
1331 SOUTH HAM LANE, LODI

RESOLUTION NO. 92-81

CC-12(a)  
CC-300

The City Council adopted Resolution No. 92-81 awarding the contract for construction of oil containment berms at Henning Substation to the low bidder Diede Construction, Inc., Woodbridge, California, in the amount of \$24,316.00.

The City Council was informed that on March 18, 1992, the City Council approved specifications and authorized advertisement for bids. Bids were opened on April 21, 1992 with the following results:

Diede Construction, Inc.	\$24,316
Claude C. Wood Co.	30,000
H. Max Lee, Inc.	33,210

The oil containment structures will be installed at Henning Substation around oil-filled electrical equipment to confine an oil spill or leak. Recent Environmental Protection Agency regulations require that equipment storing oil in volumes, as in this case, be equipped with a confinement system that will prevent an oil spill or leak to extend beyond the immediate area of the equipment and not migrate into the soil, the water table or the site drainage system.

PURCHASE OF SELF-CONTAINED PORTABLE  
WELDER FOR THE ELECTRIC UTILITY DEPARTMENT

RESOLUTION NO. 92-82

CC-12(d)  
CC-300

The City Council adopted Resolution No. 92-82 awarding the bid for the purchase of a self-contained portable welder to the low bidder AIRCO, Lodi, in the amount of \$12,313.37.

On March 18, 1992, the City Council approved specifications and authorized advertisement for bids. Bids were opened on April 21, 1992 with the following results:

AIRCO, Lodi	\$12,313.37
Valley Welding Supply, Lodi	13,553.33

The welder will be used to weld high-voltage aluminum bus being installed at the Industrial Substation and at any future expansion projects of the substations. Welded bus, as compared to a bolted bus, is considerably more pleasing aesthetically due to the elimination of significant bulk in the bus structure and, therefore, offers the opportunity for a more compact design. Electrically welded bus, being homogeneous, provides a superior conducting path with improved overall system reliability and requires no need for periodic maintenance.

The low bid exceeds the budgeted amount by \$5,313.37. This is primarily caused by the special configuration of this welder to weld aluminum bus of large dimensions in both indoor (controlled) and outdoor environments, as well as actual bid prices being higher than prices obtained at budget preparation.

To fully fund this purchase, it is recommended that excess funds from two other budgeted and completed purchases be utilized for this purchase.

PURCHASE OF TWO 1200 KVAR CAPACITOR BANKS FOR THE ELECTRIC UTILITY DEPARTMENT

RESOLUTION NO. 92-83

CC-12(d) The City Council adopted Resolution No. 92-83 awarding the  
CC-300 bid for the purchase of two 1200 KVAR Capacitor Banks to the low bidder whose equipment complies with all Electric Utility Department specifications, Cooper Power Systems of Burlingame, in the amount of \$6,960.65.

The City Council was advised that on March 18, 1992, the City Council approved specifications and authorized advertisement for bids. Bids were opened on April 15, 1992, with the following results:

Cooper Power Systems, Burlingame	\$6,960.65
General Electric, Martinez, CA	7,650.25
Maydwell & Hartzell, Brisbane, CA	No Bid
Westinghouse Electric, Concord, CA	6,620.16*

\*Westinghouse Electric's equipment does not meet the City's specifications in two categories.

The capacitor banks are planned for installation to improve the electric system's power factor and to provide additional system capacity.

BENNETT/COMPTON REORGANIZATION SET FOR PUBLIC HEARING

RESOLUTION NO. 92-86

CC-8(a) The City Council adopted Resolution No. 92-86 directing the  
CC-300 City Clerk, pursuant to the State of California Government Code Section 5700 et seq. to set a public hearing on June 3, 1992 to consider the Bennett/Compton Reorganization including annexation to the City of Lodi and detachment from the Woodbridge Fire District, the Woodbridge Lighting District and the SJC Resource Conservation District.

The City Council was advised that on March 4, 1992, the City Council adopted Resolution No. 92-36 initiating annexation/reorganization proceedings on the subject parcel.

Following a public hearing regarding the matter held April 17, 1992, the Local Agency Formation Commission of San Joaquin County determined and ordered the following:

Section 1. The Negative Declaration adopted by the City of Lodi, as lead agency, was reviewed and considered.

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Section 2. The above entitled reorganization is approved subject to the terms and conditions set forth on Local Agency Formation Commission of San Joaquin County Resolution No. 857 entitled, "Before the Local Agency Formation Commission of San Joaquin County Resolution Approving Proposed Bennett/Compton Reorganization (L AFC 3-92) Including Annexation to the City of Lodi and Detachment from the Woodbridge Fire District, the Woodbridge Lighting District, and the SJC Resource Conservation District".

Section 3. The boundaries are hereby approved as submitted, said boundaries being set forth on exhibit on file in the City Clerk's office.

Section 4. The affected territory is uninhabited.

Section 5. The City of Lodi is designated as the conducting authority and the City Council is authorized to initiate proceedings for uninhabited reorganization in accordance with Section 5700 et seq. of the Government Code.

On March 4, 1992, the City Council adopted Ordinance No. 1539 which rezoned the subject parcels R-GA, Garden Apartment Residential.

This annexation/reorganization did not have 100% owner consent.

COMPREHENSIVE ANNUAL FINANCIAL REPORT 1990-91 RECEIVED  
FOR FILING

CC-21(a)

The City Council received for filing the Comprehensive Annual Financial Report (CAFR) and the Single Audit Report for the fiscal year ended June 30, 1991.

The City Council was informed that the purpose of the CAFR and the Single Audit Report is to report the City's monetary results of operation and financial condition to the City Council and staff, and other interested parties (Federal and State Agencies, constituents, creditors, suppliers, and other persons or institutions conducting business with the City). The CAFR was prepared by the Finance Department in accordance with standards set by the Government Accounting Standards Board. It is presented in five (5) separate sections to promote better communication and analysis. These sections are:

- ° Introductory Section
- ° Financial Section

- ° General Purpose Financial Statements (Combined Statements Overview)
- ° Combining and Individual Fund and Account Group Statements
- ° Statistical Tables Section

In the future, additional information will be included in the Introduction and Statistical Sections to better describe and highlight the City's financial operations and to provide the reader with important demographic and statistical information regarding the City of Lodi.

Auditors Opinion and Report

The City's financial records and reports for the fiscal year ending June 30, 1991 correctly reflect the financial condition of the City except for fixed assets and depreciation in the enterprise funds and in contributed capital of the general fund. This finding is based on the observation of the auditors that the City does not maintain adequate records and controls of City property (equipment, structures, land, and infrastructure). Accordingly, the auditor's opinion (KPMG Peat Marwick) is a "qualified opinion" which indicates that material adjustments are required to correctly reflect the financial condition of the City. Other findings provided in the Management Letter were not considered material; however, it was the opinion of the auditors that these findings and recommendations should be brought to the attention of the City Council and staff.

Management Letter

Under separate cover the City Council was provided with a list of findings and recommendations required to improve financial reporting, accounting procedures and internal controls. The Management Letter consists of two separate letters addressed to Council and staff. In summary, these reports contain the findings of KPMG Peat Marwick needed to improve accounting and reporting of the City's financial position, to improve internal control of certain financial transactions and to ensure compliance with the terms and conditions of agreements made by the City to obtain monies by debt financing and grants or subventions from Federal and State sources.

The Management letter is considered "Confidential". Accordingly, the Management Letter was provided to the City Council under separate cover.

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AMENDMENT NO. 3 AND REVISION 2 OF  
EXHIBIT B TO CONTRACT NO. DE-MS 65-82WP59014  
BETWEEN THE CITY OF LODI AND WESTERN AREA  
POWER ADMINISTRATION

RESOLUTION NO. 92-84

CC-90  
CC-300

Following an inquiry by Mayor Pro Tempore Pennino, the City Attorney determined that Mayor Pro Tempore Pennino did not have a conflict of interest and that it would not be necessary for him to abstain from discussion and voting on this matter.

The City Council adopted Resolution No. 92-84 which authorizes the execution of Amendment No. 3 and Revision 2 of Exhibit B to Contract DE-MS65-82WP59014 (Contract) for Electric Service with the Western Area Power Administration (Western) on file in the office of the City Clerk.

Western increased power delivery to Lodi by 1.5 MW in 1981 to support renewable resource projects. That increased power allocation was the subject of Amendment No. 1 to the Contract which also contained a provision by which the City could sell to Western an equivalent amount of energy. The energy exchange provision has been exercised at various times by the parties since 1986. The amounts of energy associated with the energy exchange are small and have become an accounting problem. Negotiation with Western has resulted in the Amendment No. 3 to the Contract which, among other considerations, substitutes an additional firm power amount of 0.6 MW in place of the energy exchange while leaving the original 1.5 MW intact.

Amendment No. 3 provides for the termination of Amendment No. 1 and the incorporation of relevant terms and conditions from Amendment No. 1 into Amendment No. 3. The term of Amendment No. 1 is coincident with the term of the Contract.

The net effect of this contract change, resulting in Amendment No. 3, is anticipated to be a revenue neutral exchange. Lodi will obtain a modest increase in dependable power and Western will be relieved of any continuing obligation to purchase energy from Lodi associated with its renewable resource allocation.

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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:

LODI DISTRICT CHAMBER OF COMMERCE  
APPLAUDED ON ITS OUTSTANDING STREET FAIRE

Mayor Pinkerton applauded the Lodi District Chamber of Commerce on its outstanding Street Faire which was held on May 3, 1992.

LODI BOYS' AND GIRLS' CLUB BENEFIT  
AUCTION ANNOUNCED

Council Member Sieglock announced the Lodi Boys' and Girls' Club First Annual Balloon Bust Benefit Auction, "Cruis'n for Kids" being held at Hutchins Street Square on May 8, 1992 and urged community support of the event.

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:

CITIZEN EXPRESSES CONCERNS REGARDING  
PASSAGE OF CERTAIN ORDINANCES

Mr. George Newmarch, P. O. Box 355, Lodi expressed his concern regarding ordinances being passed that he feels restrict business and individual rights.

COMPLAINTS RECEIVED REGARDING PERCEIVED  
MISTREATMENT BY VARIOUS AGENCIES

Nguyen To Can, P. O. Box 9077, Stockton addressed the City Council regarding her being stranded in the City of Lodi since last week, her perceived mistreatment by various agencies and numerous other matters.

COMMENTS BY LODI DISTRICT CHAMBER  
OF COMMERCE PRESIDENT

Evelyn Olson, 1306 Burgundy Court, Lodi, President of the Lodi District Chamber of Commerce, thanked the citizens of this community for their support of the May 3, 1992 Street Faire and thanked the community and United Way for supporting the Lodi Boys' and Girls' Club.

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 an ordinance allowing consideration of State sales tax rebates in determining "lowest responsible bidder".

ORDINANCE ALLOWING CONSIDERATION OF  
STATE SALES TAX REBATES IN DETERMINING  
"LOWEST RESPONSIBLE BIDDER"

ORDINANCE NO. 1549 INTRODUCED

CC-6  
CC-12(a)  
CC-149

City Attorney McNatt advised the City Council that based on recent discussions, a draft ordinance has been prepared allowing consideration of State Sales Tax Rebates in Determining "Lowest Responsible Bidder". It allows the City to determine the "lowest responsible bidder" for City contracts with reference to the 1% sales tax rebate the City receives on the sale of goods by firms domiciled in Lodi.

In the City Attorney's opinion, this is different than a true "local preference" statute which he continues to believe would be impermissible (see 64 Ops AG 670). A "local preference" ordinance gives local businesses a stated percentage preference (such as 3 - 5 %) on all bids to supply goods or services to a local government agency. This would mean that a city could actually end up paying more under a local preference if it went to the second low bidder who resided in the City. For example, if a 5% preference is given to local bidders, the City could pay up to \$1,050 to a local business for an item which an out-of-town vendor offered for \$1,000. On the other hand, using the 1% rebate factor, a local bidder's price would have to be less than 1% over the next low bidder in order to be successful. If both bidders' price was \$1,000, the local business would get the contract because the City would actually have paid only \$990 out-of-pocket after the 1% sales tax rebate.

City Attorney McNatt indicated that he believes this is consistent with public policy stated in City of Inglewood, et al. v. Superior Court (1972) 7 Cal. 3d 861 which says "it is in the public's interest to have contracts awarded " ... without favoritism and at the lowest price consistent with reasonable quality." (emphasis added)

Addressing the City Council regarding the matter was Ngujen To Can, P. O. Box 9077, Stockton.

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.

On motion of Council Member Snider, Pennino second, the City Council introduced Ordinance No. 1549 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Section 3.20.100 (E) Specifying Criteria for Determination of 'Lowest Responsible

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Bidder". The motion carried by unanimous vote of all Council Members present.

PUBLIC HEARING TO CONSIDER APPEAL  
OF ANTHONY D. AZEVEDO, 1227 SOUTH  
WASHINGTON STREET, LODI REGARDING A  
ZONING VARIANCE

CC-53(b)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the public hearing to consider the appeal of Anthony D. Azevedo regarding the Planning Commission's denial of his request for a Zoning Variance to reduce the required side yard at 1227 South Washington Street in an area zoned R-1, Single-Family Residential - Eastside.

Community Development Director Schroeder advised the City Council that the requested variance is to make legal an attached carport which was constructed without permits. The applicant completed the construction after receiving an order from the Building Division to stop work. Upon completion of the project, Mr. Azevedo applied for a Zoning Variance and was denied because the Planning Commission could not determine that a "Zoning Hardship" existed.

Mr. Anthony D. Azevedo, 1227 South Washington Street, Lodi addressed the City Council regarding his appeal and responded to questions regarding the matter as were posed by the City Council.

Also addressing the City Council regarding the matter were:

- a) Speaking in support of the appeal was Arno Davies, 109 Koni Court, Lodi; and
- b) Speaking against the appeal was Katherine Sherman, 1233 South Washington Street, Lodi.

Representing the Lodi Planning Commission and its decision to deny the appeal was Planning Commissioner Larry Mindt, P. O. Box 782, Lodi.

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

On motion of Council Member Snider, Sieglock second, the City Council by unanimous vote of all those present denied the subject appeal. Further, the City Council directed Mr. Azevedo to work with Community Development Department to bring this structure into compliance.

PLANNING COMMISSION REPORT City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of April 13, 1992.

CC-35 The Planning Commission -

ITEMS OF INTEREST

- a. Recommended that the City Council consider approving the 1989, 1990 and 1991 Growth Management Allocations.
- b. Continued the request of Terry Piazza, Baumbach and Piazza, Consulting Engineers on behalf of James Anagnos, et al for approval of a Tentative Parcel Map to create two parcels from one at 801 East State Route Highway 12 in an area zoned C-S, Commercial Shopping Center.
- c. Continued the request of Donald B. Lipscomb for approval of a Tentative Parcel Map to create two lots from one at 2 North Main Street in an area zoned M-1, Light Industrial.
- d. Conditionally approved the request of Camray Development Co. Inc. for a Tentative Parcel Map to create three parcels from one at 2081 West Harney Lane in an area zoned R-2, Single-Family Residential.
- e. Conditionally approved the request of Kenneth Heffel for a Lot Line Adjustment to join two lots at 5 South Avena Avenue and 11 South Avena Avenue in an area zoned R-1, Single-Family Residential.
- f. Determined that a Zoning Hardship did not exist and denied the request of Gary L. Skipton to reduce the rear yard setback to permit construction of a new garage at 1617 Fallbrook Way in an area zoned P-D(26), Planned Development District No. 26.

City Manager Peterson also gave the following report of the Planning Commission Meeting of April 27, 1992:

ITEMS OF INTEREST

The Planning Commission -

- a. Denied the request of Randall Heinitz for the extension of the Tentative Parcel Map to create three lots from two lots at 60 and 70 North Lower Sacramento Road in an area zoned R-1, Single-Family Residential.

The map was originally approved on April 10, 1989 and received its only permitted one year extension on April 8, 1991. The Planning Commission had no authority to grant a further extension.

b. Denied the request of Marlon DeGrandmont for a Use Permit for a billiard room at 531 West Lockeford Street in an area zoned C-2, General Commercial.

c. The Planning Commission set the following items for Public Hearing on Monday, June 8, 1992:

1. to consider recommending a Sign Ordinance amendment to permit A-frame or free standing signs on private property.
2. to consider recommending amendments to expand the responsibilities of the Site Plan and Architectural Review Committee (SPARC).

The Planning Commission set the following items for Public Hearing on Monday, May 11, 1992:

1. Request of Ronald Thomas for approval of the Tentative Subdivision Map of Colvin Ranch, a 12 acre, 60 lot single-family residential subdivision to be located at 3820 Almond Drive (APN 062-060-30) in an area zoned R-2, Single-Family Residential.
2. Request of Camray Development and Construction Company for approval of the Tentative Subdivision Map of Century Meadows I, an 11.3 acre, 48 lot single-family residential subdivision to be located at 2081 East Harney Lane (APN 058-210-09) in an area zoned R-2, Single-Family Residential.
3. Request of Jeffrey Kirst for the approval of the Tentative Subdivision Map of Bangs Ranch, a 24.5 acre, 105 lot single-family residential subdivision to be located at 14114 North Stockton Street (APN 062-290-01) in an area zoned R-2, Single-Family Residential, and PD(28), Planned Development District No. 28.
4. Request of Russ Munson for approval of the Tentative Subdivision Map of Johnson Ranch II, a 30.79 acre, 173 lot single-family residential subdivision to be located at 13977 North Cherokee Lane (APN's 062-290-04, 05 and 06) in an area zoned R-2, Single-Family Residential.

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COMMUNICATIONS  
(CITY CLERK)

NOTICE OF FILING FOR INCREASED ELECTRIC  
AND GAS RATES RECEIVED FROM PACIFIC GAS  
AND ELECTRIC

CC-7(f) City Clerk Reimche presented a Notice of Filing for  
CC-7(t) Increased Electric and Gas Rates received from Pacific Gas  
and Electric Company. Application A-92-04-001 was filed on  
April 1, 1992 requesting authority to increase electric  
rates by \$190.6 million, and gas rates by \$3.3 million. If  
approved, these rates changes would be effective on January  
1, 1993.

APPEAL REGARDING PLANNING COMMISSION'S  
DENIAL OF GARY L. SKIPTON'S REQUEST FOR  
A ZONING VARIANCE TO REDUCE THE REQUIRED  
REAR YARD SET BACK AT 1617 FALLBROOK WAY  
SET FOR PUBLIC HEARING

CC-53(b) The City Council on motion of Council Member Snider,  
Pennino second, set for public hearing on June 3, 1992 the  
appeal received from Gary L. Skipton of the Planning  
Commission's denial of his request for a Zoning Variance to  
reduce the required rear yard set back at 1617 Fallbrook  
Way, Lodi.

APPOINTMENT MADE TO LODI ARTS COMMISSION

CC-2(k) On motion of Mayor Pro Tempore Pennino, Snider second, the  
City Council concurred with the Mayor's appointment of  
Josephine Canton to fill an unexpired term on the Lodi Arts  
Commission which term expires July 1, 1994.

TERMS EXPIRING ON VARIOUS CITY OF  
LODI BOARDS AND COMMISSIONS

CC-2(a) On motion of Council Member Sieglock, Pennino second, the  
City Council directed the City Clerk to post for the  
following terms that are expiring on various City of Lodi  
Boards and Commissions:

LIBRARY BOARD OF TRUSTEES

Sachiko A. Ishida	three-year term expiring June 30, 1992
Louise Zastrow	three-year term expiring June 30, 1992

LODI ARTS COMMISSION

Evelyn Olson	three-year term expiring July 1, 1992
Tim Mattheis	three-year term expiring July 1, 1992

PLANNING COMMISSION

Michael A. Lapenta	four-year term expiring June 30, 1992
Craig Rasmussen	four-year term expiring June 30, 1992

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

REGULAR CALENDAR

LODI LIONS CLUB PROJECT TO RENOVATE THE HORSESHOE PIT AT EMERSON PARK APPROVED

CC-27(c) The City Council was advised that the Lodi Lions Club has met with City staff to plan a renovation of the horseshoe pit at Emerson Park. This project is being proposed because of the proximity of the horseshoe pit to the playground and the general renovation of the area. The City will be installing a fence to ensure that the horseshoes stay in the pit area. For the convenience of those playing horseshoes, two benches will also be added by the club.

On motion of Mayor Pro Tempore Pennino, Snider second, the City Council approved the Lodi Lion's Club's proposed project of renovating the horseshoe pit at Emerson Park.

ORDINANCE INTRODUCED RELATING TO THE REGULATION OF ADULT BUSINESSES

ORDINANCE NO. 1550 INTRODUCED

CC-6 City Attorney McNatt advised the City Council that the recent opening of an adult bookstore in downtown Lodi has pointed out that the City presently has no specific regulations for such uses other than those applicable to all businesses generally. This has resulted in a great deal of discussion on the advisability of having specific regulations for adult businesses.

A draft ordinance has been prepared to deal not only with existing businesses, but to try to anticipate situations which may arise at some future date.

The proposed ordinance would cover not only adult bookstores, but video arcades and theaters showing adult films, stores which sell articles of an adult nature, "modeling studios" which are in reality merely places where nude entertainment is offered, and newsracks offering sexually oriented material.

The draft ordinance has been prepared using a number of ordinances from other jurisdictions as models, and reflects to the best of my ability accommodations for recent court decisions. It is fundamentally a zoning or land use regulation rather than a penal statute.

Cases such as City of Renton v. Playtime Theaters point out that difference between zoning/land use regulations and ordinances aimed at controlling conduct. The U. S. Supreme Court said a regulation aimed at the "secondary effects" of adult businesses (such as blight, etc.) may be proper. However, an attempt to directly control the "communication" aspects of adult books or films will probably fail on First Amendment grounds.

For this reason, the City Attorney believes an attempt to require background checks on operators of adult businesses would fail because it seems aimed more at individuals than land uses.

The only case on point found was Genura v. City of Peoria (1980) 619 F.2d 1203, where Peoria's ordinance requiring a background check of adult business operators was overturned. Although municipalities can, for example, investigate operators of massage parlors, that activity has no First Amendment protection.

The Community Development Director has recommended that these businesses not be subject to use permits, since Lodi has traditionally maintained good land use control without utilizing use permits as extensively as other cities. Admittedly, many other cities' ordinances required use permits as a part of the regulatory process, but in many cases, the broad discretion associated with issuance of these use permits was the reason the ordinances were overturned.

The draft ordinance covers situations not yet faced by Lodi but which could feasibly occur. These include adult newsracks, gift shops, modeling studios, etc. The ordinance does not, however, cover "cabarets", i.e., nightclubs where "adult" entertainment such as topless dancing, might be offered. They were not included because these uses present an entirely new set of considerations. Taverns or nightclubs already exist all over the City, and separation requirements would create major problems. If it is desired to regulate adult entertainment in these, a specific set of regulations would probably be required. Council direction on this point is requested.

It is also true that no restriction on doing business with minors under 18 years of age is included. This was omitted because first, that seems to go beyond "secondary effect" regulation and also, State law governing such things as

contributing to the delinquency of minors may already have preempted the field.

As drafted, the chief effects of this ordinance are:

- 1) To require 1,000-foot separations from schools, churches, care centers, playgrounds and other adult businesses;
- 2) Regulates the exterior appearance of the buildings where adult businesses are carried on;
- 3) Regulates hours of operation; and
- 4) Requires that the interior of film or video tape viewing booths be visible from the front of the premises.

Preliminary calculations indicate that because of the actual patterns of Lodi's residential zones, it would have been difficult to establish separations from such residential zones without severely limiting potential locations for adult businesses. Prior cases such as City of Stanton v. Cox have held that where separation requirements leave too few sites for such uses, the ordinance may be invalidated.

The subject ordinance was drafted to avoid that problem. Adult businesses are presently allowed in all industrial and commercial zones. Calculating separations based on these existing conditions indicates there would still be about 635 acres of industrial and 85 acres of commercially-zoned property usable for adult business locations.

Since the present business on South Sacramento Street is within 1,000 feet of several parks, churches and schools, it should be remembered that even if this ordinance is adopted, the existing business would be grandfathered in as a prior nonconforming use. It would be allowed to continue for an undetermined amount of time under the existing regulations for nonconforming uses unless the Council chooses to establish an amortization schedule. Even if that was done, it would simply require that the operator relocate to a conforming location at the end of the specified period. Whether that is desirable is a question for Council discretion.

Speaking in support of the ordinance were:

- a) Virginia Lahr, 311 East Elm Street, Lodi;

- b) Ken Owen, Community Christian Concerns, 10988 North Micke Grove Rd., Lodi;
- c) Sheri, E. Senft, 6 North School Street, Lodi;
- d) Arthur Price, 1043 Port Chelsea Circle, Lodi;
- e) John Borelli, President of Lodi Downtown Business Association, 718 West Pine Street, Lodi; and
- f) Laurie Folweiler, 26 North Washington Street, Lodi.

Also addressing the City Council at this point on the agenda was Ngujen To Can, P. O. Box 9077, Stockton, California.

Speaking before the Council regarding the matter was Mr. Timothy Kruppe, owner of Adult Pleasure World, 9 South Sacramento Street, Lodi.

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

On motion of Council Member Sieglock, Pennino second, the City Council by unanimous vote of all members present introduced Ordinance No. 1550 entitled, "An Ordinance of the City Council of the City of Lodi Relating to the Regulation of Adult Business" with the addition of language that had been erroneously deleted from Section 1. Definitions - A. 1.

1989, 1990, 1991 GROWTH MANAGEMENT  
ALLOCATION FOR SINGLE-FAMILY, MEDIUM  
DENSITY AND HIGH DENSITY APPROVED

CC-35(b) Community Development Director Schroeder presented for City  
CC-53(a) Council consideration the 1989, 1990, and 1991 Growth  
Management allocations for single-family, medium density  
and high density as approved by the Planning Commission.  
Mr. Schroeder advised that all persons requesting  
allocations received them. In fact, there were additional  
high density units left that no one requested.

In 1992 there will be more single-family requests than are available. The Planning Commission is working on a policy as to how to handle that. Allocations not used are available for future years. However, little or no multiple-family appears on the horizon.

On motion of Mayor Pinkerton, Sieglock second, the City Council approved the 1989, 1990 and 1991 Growth Management allocations for single-family, medium density and high density as approved by the Lodi Planning Commission.

PRESENTATION MADE BY CITIZENS' GROUP FROM  
THE CLEMENTS AREA OPPOSED TO THE  
DEVELOPMENT OF THE LIBERTY HILLS PROJECT

CC-16

City Manager Peterson advised the City Council that the proposed Liberty Hills development in the northeast area of the County appears on the agenda at the request of the Mayor. He has been approached by residents in the Clements area who have expressed concern about the project and they would like to make their position known to the City Council. The City Manager advised that he had alerted the project developers that this item was on the agenda.

Addressing the City Council regarding the matter and opposing the project were:

- a) Diana Slawson, P. O. Box 441, Clements, California;
- b) Deborah Miller, P. O. Box 1316, Lockeford, California;
- c) Joe Atkinson, P. O. Box 177, Clements, California;
- d) Glenda Hesselstine, 24343 East Liberty Road, Clements, California; and
- e) Bob Hesselstine, 24343 East Liberty Road, Clements, California.

A lengthy discussion followed with questions being directed to staff and to those who had given testimony. The City Council directed the City Manager to have the Community Development Department prepare a report regarding this matter and the other proposed "new cities" in San Joaquin County outlining the impact this will have on the City of Lodi. The City Council asked that this report be presented to the City Council prior to the June 17, 1992 meeting of the San Joaquin County Board of Supervisors.

RECESS

Mayor Pinkerton declared a five-minute recess, and the City Council reconvened at approximately 10:50 p.m.

AWARD OF CONTRACT FOR DISPOSAL  
OF HAZARDOUS WASTE

RESOLUTION NO. 92-85

CC-12(a)  
CC-300

The City Council was informed that the City received two bid proposals for the analysis, packaging, transportation, and disposal of hazardous waste located at the MSC corporation yard. Although USPCI was the higher bidder at \$12,880, City staff is recommending that Falcon Energy Associates, the low bidder at \$7,895, not be selected to complete this job due to exceptions as stated in their bid proposal.

Falcon Energy Associates' bid states that they would retain the right to either incinerate or otherwise recycle the waste into an alternative fuels program should they be awarded the contract. The Request for Bids specifically stated that the hazardous waste must be incinerated as the only means of disposal. City staff, realizing that the hazardous waste has accumulated over time, and acknowledging that the materials are actually "unknown substances" at this time, are highly recommending that the City absolve itself of any future liability by totally destructing and disposing of said hazardous waste. USPCI, in its bid, has agreed to dispose of the hazardous waste by incineration.

Additionally, USPCI has agreed to provide the City with the Certificate of Disposal within nine months from the date the materials are transported from the City of Lodi at which time the City will pay the remainder of the bill due to USPCI. Falcon Energy Associates took exception to the City's payment procedures of retaining 10% until completion of the project. Falcon Energy Associates' bid states that all funds are net 30 days from pickup and that they have no control over the treatment, storage, and disposal facility relative to issuance of Certificates. City staff contend that payment for services should not be rendered until completion of the job, thus encouraging the vendor to follow through on the final disposal of the material.

As a final note, Falcon Energy Associates' bid of \$7,895 does not include the price of sales or use taxes, or similar taxes now imposed by Federal, State or other governmental agencies. USPCI's bid proposal of \$12,880 does include the costs for these additional fees as required in the Request for Bids.

Addressing the City Council regarding the matter were:

- a) James J. Hoblitzell, IV, Vice President and Environmental Manager, Falcon Energy Associates, P. O. Box 1257, Stockton; and

- b) Mick Haun, 9964 Broadmoor Drive, San Ramon, California.

A lengthy discussion followed with questions being directed to staff and to those who had given testimony.

On motion of Council Member Sieglock, Pinkerton second, the City Council by the following vote adopted Resolution No. 92-85 awarding the contract for the disposal of hazardous waste at the Municipal Service Center to USPCI, the second lowest bidder, in the amount of \$12,880.00:

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

Noes: Council Members - Pennino

Absent: Council Members - Hinchman

REPORT BY LODI AMBULANCE SERVICE ON  
LEVEL OF SERVICE

- CC-22(d) Mr. Mike Nilssen, Chief Operations Officer, Lodi Ambulance Service addressed the City Council regarding the company's present deployment of ambulance units, response time and level of service. Mr. Nilssen then responded to questions as were posed by members of the City Council.

BOATING PLAN/OPERATIONS AT LODI  
LAKE PARK

- CC-27(c) The City Council was advised that Parks and Recreation  
CC-40 Department staff has prepared a boating plan/operations for Lodi Lake Park. These plans address the following concerns:

1. Silt conditions in Lodi Lake - We have silt conditions in the lake that make skiing a hazardous activity. We are working on a plan to deepen Lodi Lake. However, at this time we are recommending a five mile per hour speed limit in the lake (no wake). By establishing a five mile per hour speed limit, we do not have to restrict launching days and hours. The boaters who wish to use the river can launch at any time on any day.
2. Warning of river condition - A meeting has been held with the City Attorney to develop a sign that informs the public of conditions in the river. This sign also states that the City of Lodi has no control over conditions in the river. It also states that all crafts/persons accessing Mokelumne River from Lodi Lake do so at their own

risk. Launch fees and general boating policies for Lodi Lake were presented for Council's review.

The final part of staff action has been to construct a log boom that restricts speed entering and exiting the lake from the river. A diagram was presented for Council review.

The plan also addresses a relatively new user, the remote control boat enthusiast. It allows for a designated use area and establishes a day and time schedule for the group.

Set forth below is the boating policies for Lodi Lake as approved by the Lodi Parks and Recreation Commission.

- ° Trailered boats will be charged a \$4.00 launch fee. There are six designated parking stalls. Once these are taken other boats with trailers must find legal parking off site of Lodi Lake Park. All craft will be charged a parking fee and launch fee.
- ° Canoes and rafts (not trailered) will be charged a parking fee only. (Electric powered canoes and rafts are considered nonpowered).
- ° All jet skis and gasoline powered craft will pay a launch fee regardless of whether being trailered or not. They will also pay a vehicle parking fee.
- ° All craft will observe posted warning and will receive flyers stating the same information as is posted on information signs.
- ° Due to shallow water conditions, all craft will observe a 5 mph (no wake) speed limit on Lodi Lake. Craft may be launched during the hours of 8:00 a.m. until 1 hour prior to dusk.
- ° All non-powered craft have the right of way including rental boats.
- ° R/C boats - no launch fees; however, vehicle will pay a parking fee. R/C boats will conduct their activities in the R/C boating designated area and will adhere to day/time schedules.

Various diagrams of the subject area were presented for City Council review.

Following discussion, with questions being directed to staff, the City Council on motion of Mayor Pro Tempore Pennino, Sieglock second, the City Council approved the boating plan/operations for Lodi Lake Park proposed by staff and approved by unanimous vote of the Lodi Parks and Recreation Commission, with the exception that the statement in paragraph one of the Boating Policies for Lodi Lake reading, "Once these are taken other boats with trailers must find legal parking off site of Lodi Lake Park" be deleted.

CONTRACT AWARD FOR MODULAR OFFICE BUILDING FOR ELECTRIC UTILITY DEPARTMENT

RESOLUTION NO. 92-79

*cc 126a*  
*cc 300*

The City Council was advised that on February 19, 1992, the City Council approved plans and specifications and authorized advertisement for bids. Bids were opened on March 25, 1992 with the following results:

	<u>Lease</u>	<u>Purchase</u>
Steelgard, Inc. Lathrop, CA	\$5,482.89	\$146,116.00
Meehleis Modular Buildings, Inc. Lodi, CA	5,891.30	149,750.00
Modtech, Inc. Perris, CA	6,002.21	159,614.00
Designer Mobile Systems Industries Newark, CA	6,934.23	186,000.00
Sweeley's Mobile World Modesto, CA	7,225.06	193,800.00

During the bid evaluation process, questions arose regarding the low bidder's listing of subcontractors. A letter response from the low bidder to an inquiry by the City's Architect indicated that indeed another subcontractor (floor covering), not listed on the proposal, would be utilized during the construction. In addition, phone discussions with a listed subcontractor indicated that at least two other local contractors would be working as subcontractors to the listed subcontractor. Considering the above facts, the City's Counsel has advised that this bid must be considered a "non-responsive bid" and, therefore, award is recommended to the second lowest bidder.

The proposal requested two payment options from the bidders, one being a purchase and the other being a lease with City ownership at the end of the lease. The lease

will consist of 40 quarterly payments. The interest rate on the recommended bidder's lease proposal is approximately 10%. At present, the City is receiving at most 6% on investments and this rate is not expected to increase significantly in the foreseeable future.

The most economical option to the City is the purchase option. It was, therefore, recommended that available funding with the Department's reserves be transferred to fund this purchase.

Addressing the City Council regarding the matter were:

- a) Attorney-at-law, Randy E. Thomas, 2800 West March Lane, Stockton representing Steelgard, Inc.; and
- b) Bill Meehleis of Meehleis Modular Buildings, Inc.

On motion of Mayor Pinkerton, Snider second, the City Council adopted Resolution No. 92-79 awarding the contract for construction and installation of a modular office building to the second lowest bidder, Meehleis Modular Buildings, Inc., Lodi, in the amount of \$149,750.

The motion carried by the following vote:

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

Noes: Council Members - Pennino

Absent: Council Members - Hinchman

STOCKTON STREET AND HARNEY LANE - INTERSECTION STUDY

CC-45(a)  
CC-48(a)

The City Council was advised that the intersection of Stockton Street and Harney Lane has been studied due to complaints received and City Council's concerns. The concerns are that southbound drivers stopped at Harney Lane have a difficult time seeing westbound vehicles due to the grapevines in the vineyard on the northeast corner. Staff has field checked this location and agrees that visibility is restricted by the grapevines, particularly when the foliage is growing.

Staff also observed large trucks having a difficult time negotiating turning movements from Harney Lane to northbound Stockton Street due to the narrow lane width, small radius return and location of the stop bar on Stockton Street. The stop bar on Stockton Street was

installed farther out into the intersection than normal at this location to improve visibility of westbound vehicles.

#### Existing Conditions

The intersection of Stockton Street and Harney Lane is four legged with the south leg of Stockton Street and east leg of Harney Lane being under San Joaquin County jurisdiction. The south leg of Stockton Street dead ends approximately 1,400 feet south of Harney Lane and services only 10 residential units. The northwest corner is fully improved. All other corners are unimproved.

Traffic control at this intersection is provided by stop signs on Stockton Street. Traffic volumes on Harney Lane and Stockton Street are 8,490 (78%) and 2,390 (22%) vehicles per day, respectively.

A review of available accident records indicates that there has been a total of 21 accidents at this intersection from 1989 through March 1992. Seven of these accidents were right-angle accidents, 3 of which may have been related to sight obstructions at the northeast corner. In addition, there were 4 rear-end accidents involving southbound right-turning vehicles which were rear ended. Three of these drivers indicated that they were struck from behind as they gradually pulled forward to a position where westbound vehicles could be seen.

This intersection meets State requirements for a traffic signal and ranks number 6 of 20 intersections on our 1990 Signal Priority List (updated 1991).

#### Alternatives

In order to alleviate the problems at this intersection, the following alternatives have been identified:

Alternative A: Install 4-way stop signs until a signal is installed

Alternative B: Install curb return at northeast corner

Alternative C: Install curb return at northeast corner and 100-foot segments of curb, gutter and sidewalk both north and east of curb return

Alternative D: Do nothing. Wait until corner is annexed and developed. Proceed with signal installation per Signal Priority Study.

° Alternative A

State guidelines for the installation of multi-way stops are not satisfied at this intersection. Traffic volumes are sufficient, but minor street delay is below the 30 seconds per vehicle required by the guidelines. The volume splits of 78% (Harney Lane) and 22% (Stockton Street) are not ideal for a multi-way stop; however, volumes have been increasing as the area develops. Projected volumes, by year 2007, on Harney Lane and Stockton Street are 13,000 (65%) and 7,000 (35%) vehicles per day, respectively, per the city-wide circulation study.

These guidelines are also almost satisfied by the number of correctable accidents in a 12-month period. The 5 correctable accidents required to satisfy the guidelines occurred in a 14-month period.

Stop signs are acceptable as an interim measure prior to signalization. At the current rate of signal installations, this location would not be signalized for approximately 3 years.

° Alternative B

The installation of a 35-foot curb return and adjacent 70-foot transition areas at this corner would remove enough vines to bring visibility of westbound vehicles up to the City's sight distance standard with the stop bar on Stockton Street at the existing location. It would also improve access to northbound Stockton Street from either direction on Harney Lane due to the increased lane width at the intersection. The cost estimate for this installation is approximately \$22,000.

° Alternative C

Alternative C is the same as Alternative B except with the addition of 100-foot sections of curb, gutter and sidewalk extending both north and east of the curb return. The additional benefits derived from the extra lengths of curb, gutter and sidewalk are the ability to move the stop bar back on Stockton Street and still maintain sufficient visibility of westbound vehicles. This would provide clearance for trucks turning left onto northbound Stockton Street. Another benefit would be a smoother transition onto northbound Stockton Street from Harney Lane. The cost estimate for this installation is approximately \$51,000.

° Alternative D

The property at the northeast corner is in Phase 1 of the Growth Management Plan. The owner of the property has indicated that he is not planning on requesting annexation

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into the City limits or developing his property at this time, nor does he want to consider vine removal. He did indicate that he would be willing to dedicate the corner of his property if the City would promptly install curb, gutter and sidewalk at no cost to him. The City's Public Improvement Ordinance would provide for reimbursement to the City from a future developer of the property. However, a public hearing is required and if the property owner decided not to dedicate the right-of-way, the City would have to use eminent domain proceedings to acquire the right-of-way at a substantially higher cost.

Recommendation

Since the main concern at this intersection is the driver's visibility of westbound traffic, just increasing sight distance would be the first choice. However, due to the costs involved with Alternatives B and C, staff feels installation of multi-way stops is reasonable as an interim solution to this problem since volumes have been increasing on Stockton Street and a signal is planned for this intersection in the future.

The installation of multi-way stop controls at this intersection will require the amendment of the Traffic Resolution #87-163.

Addressing the City Council regarding the matter was the owner of the subject property, Angelos S. Parises, 9949 Fernwood Road, Stockton, California.

Following a lengthy discussion with questions being directed to staff and Mr. Parises, on motion of City Council Member Snider, Pinkerton second, the City Council determined that it would take no action on the matter.

PARKING ON KETTLEMAN LANE OF VEHICLES  
DISPLAYING "FOR SALE" SIGNS

CC-6  
CC-45(a)  
CC-45(i)

The City Council was reminded that it had recently asked the City Attorney to take steps to deal with the large number of vehicles displaying "For Sale" signs parked at the south curb of Kettleman Lane. The most practical approach seemed to be a time limit on parking. However, that could negatively affect parking by those residents who live on the north side of the street.

It now appears a State statute may supply a solution without the need for further City action.

It was recently pointed out that Streets and Highways Code Section 731 prohibits parking any vehicle on a State highway for the purpose of (among other things) offering it for sale. Violation of the section is a misdemeanor and

may also result in the vehicle being towed. It authorizes enforcement by the Highway Patrol or any local peace officer.

Since Kettleman Lane is a State highway, the statute may be useful, although it would be of no help anywhere else in the City.

Following discussion with City Manager Tom Peterson, it was felt that the best approach might be to begin enforcement by simply placing a warning and copy of the statute on any vehicle displaying a "For Sale" sign found parked on Kettleman Lane. After a reasonable time, citations could be issued.

It was recommended that no further local parking restrictions be implemented on Kettleman Lane pending an enforcement program using this Streets and Highways Code section. The City Council will be kept advised.

On motion of Mayor Pro Tempore Pennino, Pinkerton second, the City Council directed staff to proceed with this approach by beginning enforcement by placing a warning and copy of the statute on any vehicles displaying a "For Sale" sign found parked on Kettleman Lane. After a reasonable time, citations will be issued.

NOVEMBER 3, 1992 GENERAL MUNICIPAL ELECTION

RESOLUTION NOS. 92-71, 92-72, 92-73, 92-74, 92-75 AND 92-76

CC-18  
CC-300

A brief presentation regarding the upcoming General Municipal Election being held November 3, 1992 was made by City Clerk Alice Reimche. The seats presently held by Council Members Hinchman and Pinkerton are the offices to be voted on. The nomination period for this election is July 13 - August 7, 1993. If an incumbent elects not to seek re-election, the nomination period is extended to 5:00 p.m., August 12, 1993. In order for a person to qualify to run for office, you must be a United States citizen, 18 years of age at the time of election, a resident of the City of Lodi and a registered voter of the City of Lodi.

City Clerk Reimche advised the City Council that it needed to make a number of decisions prior to the opening of nominations. Following a review of various options regarding the conduct of the election and the elections process, the City Council took the following actions:

1. On motion of Council Member Snider, Sieglock second, the City Council adopted Resolution No. 92-71 calling and giving notice of the holding of the General Municipal Election in Lodi on November 3, 1992.

2. The City Council adopted Resolution No. 92-72 which set forth the following decisions regarding the Candidates' Statement:
  - a) On motion of Council Member Sieglock, Pennino second, determined that the Candidate's Statement would be limited to 200 words.
  - b) On motion of Mayor Pro Tempore Pennino, Pinkerton second, determined to have translated and printed in Spanish in the voters' pamphlet only the candidates' statements of those candidates who request translation and printing.
  - c) On motion of Council Member Snider, Pennino second, determined that no candidate would be permitted to include additional materials in the sample ballot package.
  - d) On motion of Council Member Snider, Sieglock second, determined that no charge would be levied to the candidates for the printing, handling, translation and mailing of the candidates' statements.
3. On motion of Council Member Snider, Pennino second, the City Council adopted Resolution No. 92-73 determining that there would be no filing fee charged candidates in this election
4. On motion of Council Member Snider, Pinkerton second, the City Council adopted Resolution No. 92-74 approving entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services for the November 3, 1992 General Municipal Election.
5. On motion of Mayor Pinkerton, Snider second, the City Council adopted Resolution No. 92-75 providing for the appointment to the offices of this City that were to be elected November 3, 1992 if there are not more candidates than offices to be elected.
6. On motion of Council Member Sieglock, Pinkerton second, the City Council adopted

Resolution No. 92-76 providing that the determination of a tie vote by candidates who received an equal number of votes and the highest number of votes for one office in the November 3, 1992 General Municipal Election will be by lot.

REAPPROVAL OF PROJECTED USE OF FUNDS FOR FISCAL YEAR 1992-93 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION NO. 92-87

CC-55  
CC-300

The City Council was advised that the City's expected Community Development Block Grant (CDBG) allocation for Fiscal Year 1992-93 is \$422,966.00. This action is being requested again because a notice of public hearing was inadvertently left out of the adoption process. The notice has since been published, and Council approval is again required.

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 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 Sieglöck, Pennino second, the City Council adopted Resolution No. 92-87 granting reapproval of the projected use of funds for the Fiscal Year 1992-93 Community Development Block Grant Program.

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v

Continued May 6, 1992

ORDINANCES

ORDINANCE AMENDING SECTION 2.04.100 OF THE  
LODI MUNICIPAL CODE, REGULATING THE ORDER  
OF BUSINESS FOR CITY COUNCIL MEETINGS

ORDINANCE NO. 1548 ADOPTED

CC-6  
CC-149

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" having been introduced at a regular meeting of the Lodi City Council held April 15, 1992 was brought up for passage on motion of Council Member Sieglock, Pennino 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 all Council Members present.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 12:30 a.m., May 7, 1992.

ATTEST:

*Alice M. Reimche*

Alice M. Reimche  
City Clerk