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

ROLL CALL

Present: Council Members - Hinchman, Pennino,
Sieglock, Snider, and Pinkerton (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City
Manager Glenn, Community Development
Director/Deputy City Clerk Schroeder, Public
Works Director Ronsko, and City Attorney
McNatt

INVOCATION

The invocation was given by Pastor David Hill, Grace
Presbyterian Church.

PLEDGE OF
ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pinkerton.

PRESENTATIONS

PRESENTATION REGARDING FIELD AND FAIR DAY, 1992

CC-14(e)

A report regarding Field and Fair Day 13 was made by Phil
Felde, Co-Chairman and Old Lodi Union High School Site
Foundation Chairman Dennis Bennett. A check in the amount
of \$53,100 was presented to the City of Lodi for final
payment for the Hutchins Street Square Fine Arts Building.

YOUNG RENAISSANCE ART SHOW AWARD PRESENTED

Mayor Pinkerton presented an award to Matt Moore, Mayor's
Award winner of the Young Renaissance Art Show.

PROCLAMATIONS

PROCLAMATION PRESENTED TO JAPANESE
AMERICAN CITIZENS LEAGUE (JAACL)

CC-37

A proclamation was presented congratulating the Lodi
Japanese American Citizens League (JAACL) baseball team on
winning this year's State Championship.

ITEM CONTINUED TO OCTOBER 21, 1992
CITY COUNCIL MEETING

Upon recommendation of the City Manager, on motion of
Council Member Hinchman, Sieglock second, the Lodi City
Council continued Regular Calendar item #L-4 entitled,
"Report concerning the request of property owners for
modification of City of Lodi General Plan (South Lodi

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Sanitary Sewer Study)" until the Council meeting of October 21, 1992.

COMMENTS BY THE PUBLIC

No persons wished to speak on this segment of the agenda.

CONSENT CALENDAR

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

Further the Council removed the following items from the Consent Calendar to be continued to the October 21, 1992 City Council meeting:

- a) Agenda item #F-9 entitled, "Final map and improvement agreement for Johnson Ranch, Unit No. 2, Tract No. 2586"; and
- b) Agenda item #F-13 entitled, "Salary adjustments for members of the Firefighters Unit".

Further the Council removed the following item from the Consent Calendar and discussed and acted upon it before the Public Hearing segment:

- a) Agenda item #F-12 entitled, "Traffic Resolution amendment - Cherokee Lane, from Oak Street to 100' South of Oak Street, 'No Parking' of vehicles 6' or more in height".

CLAIMS CC-21(a) Claims were approved in the amount of \$4,004,089.14.

MINUTES The Minutes of the meetings of August 19, 1992 (Regular Meeting), September 2, 1992 (Regular Meeting), September 9, 1992 (Special Meeting), September 16, 1992 (Regular Meeting), and September 22, 1992 (Special Meeting) were approved as written.

FISCAL YEAR 1992/93 BUDGET APPROPRIATIONS APPROVED

RESOLUTION NO. 92-166

CC-21(b) The City Council adopted Resolution No. 92-166
CC-300 appropriating funds in accordance with the 1992/93 Budget submitted July 1, 1992 and approved the recommended adjustments.

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On July 1, 1992, the City Council adopted Resolution No. 92-117 appropriating revenues and authorizing expenditures for the conduct of City business (operations, maintenance, construction and procurement) beginning July 1, 1992 and ending June 30, 1993. Resolution No. 92-117 appropriated revenues and expenditures for the General Fund, Electric Utility Fund, Sewer Fund, Water Fund, Library Fund and Community Center Fund. Not included in this Resolution was appropriation authority for the Utility Outlay Fund, Equipment Fund, Debt Service Funds, and Internal Service Funds which were also included in the Budget submitted to the City Council on July 1, 1992.

APPROPRIATIONS

At this time the Finance Director is requesting that the City Council appropriate all revenues and expenditures submitted to the City Council in the Budget on July 1, 1992 to appropriate expenditure authority for "street projects" approved by Council September 2, 1992 and appropriate additional expenditure authority to adjust for the revenues and expenditures which were overlooked in the 1992/93 Budget. The adjustments requested include Revenues by Transfer and expenditures for interfund loans, debt service payments, encumbrances and work-in-progress carried forward from FY 1991/92. The budget summary shown in the Resolution includes schedules which summarize the appropriation of revenues, expenditures, interfund transfers and revenues by transfer included in the 1992/93 Budget with required adjustments. The amended Resolution is necessary to allow the Finance Department to calculate the 1992/93 Appropriation Limitation required by Article XIII A of the California Constitution.

STATE BUDGET

The Governor signed into law the 1992/93 Budget for the State of California on September 2, 1992. With the adoption of the State Budget, the City of Lodi loses 9% of the 1991/92 Property Tax (approximately \$430,000) and all Cigarette Tax. The 1992/93 Budget submitted to the City Council on July 1, 1992 was based on the elimination of Cigarette Tax revenues but not on the reduction of Property Tax revenues. Accordingly, further adjustments to revenues and expenditures will be submitted to the City Council for approval and appropriation.

REPORT OF SALE OF SURPLUS VEHICLES AND EQUIPMENT

CC-20

This report was made to the City Council in compliance with Lodi Municipal Code Section 2.12.120.

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On March 6, 1992, the City Council authorized the sale of surplus vehicles and equipment through auctioneers Roger Ernst & Associates of Modesto.

On September 5, 1992, a total of 17 vehicles and 18 items of surplus equipment were sold at auction, generating a total of \$17,476.85 in income.

PLANS AND SPECIFICATION AND ADVERTISEMENT FOR BIDS FOR UNDERGROUND FUEL STORAGE TANK REMOVAL, 125 NORTH STOCKTON STREET APPROVED

CC-12.1(a) The City Council approved the plans and specifications for Underground Fuel Storage Tank Removal, 125 North Stockton Street and authorized advertising for bids.

This project consists of removing one 2,000-gallon single-wall steel underground fuel storage tank, piping, concrete dispenser island, dispenser, vehicle slabs and adjacent asphalt concrete paving. The work shall also include all permits, inspection fees, draining, cleaning and purging of fuel lines and tank, disposal and tracking of tank, soil tests and report of test results, all excavation, backfill, import borrow, and compaction and grading to return the site to its original condition.

This tank is located at the Parks and Recreation Department's corporation yard and is the last of the old City-owned fuel tanks to be removed. The project estimate is slightly higher than the current appropriation. If additional funding is needed to complete the project, it will be requested at the time of award and will be based on actual bid prices.

PURCHASE OF MULTI-CONDUCTOR CONTROL CABLE FOR THE ELECTRIC UTILITY DEPARTMENT APPROVED

RESOLUTION NO. 92-167

CC-47 The City Council adopted Resolution No. 92-167 authorizing
CC-300 the purchase of four sizes of multi-conductor control cable to the low bidder, General Electric Supply Company of Martinez, in the amount of \$11,359.22.

On September 2, 1992, the City Council approved specifications and authorized advertisement for bids. Bids were opened on September 22, 1992 with the following results:

General Electric Supply Co.	\$11,359.22
Graybar Electric Co., Sacramento	13,085.43
All-Phase Electric Supply, Stockton	13,132.57
Westinghouse Electric, Concord	13,611.52
Deco Electric Supply, Vacaville	13,822.98

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This cable will be installed during the construction of the 12KV distribution portion of the Industrial Substation.

CONTRACT CHANGE ORDER - CHURCH STREET OVERLAY,
LODI AVENUE TO CHESTNUT STREET, TOKAY STREET
TO VINE STREET

CC-90

This information is being given to the City Council in accordance with the Contract Change Order policy approved by Resolution 85-72. One of the requirements of this policy is that we inform the City Council of all change orders over 10 percent of the contract amount.

The subject contract change order, approved by the City Manager, is in the amount of \$12,240.75, which is 15.7% of the contract. The work includes extending the limits of the project to 60 feet south of Vine Street. Funds are available in the project budget since the contractor's (Claude C. Wood Co.) bid was \$17,500.00 below the engineer's estimate. The final phase of the Church Street overlay (from Kettleman Lane to Vine Street), planned for next year, will be easier if the next contractor doesn't have to work through the Vine Street intersection.

The estimated time of completion was increased by three days by this change order.

AGREEMENT FOR RENEWAL OF THE ELECTRIC SUPPLY
CONTRACT WITH WESTERN AREA POWER
ADMINISTRATION APPROVED

RESOLUTION NO. 92-168

CC-90
CC-300

The City Council approved execution of the Agreement for Renewal of the Electric Supply Contract with Western Area Power Administration (Agreement) on file in the office of the City Clerk.

Western Area Power Administration (Western) is a power marketing agency within the Department of Energy which controls and administers all Central Valley Project power transactions including sale of power and energy to the City of Lodi pursuant to Contract No. DE-MS65-82WP59015, dated February 24, 1982, as amended or supplemented. Contract No. DE-MS65-82WP59015 is subject to termination June 30, 1994 unless renewed in appropriate manner.

Western has submitted an Agreement for Renewal of the Electric Supply Contract (Agreement) pursuant to a Federal Register Notice which provides for renewal of existing Western allocations in like amounts to existing customers through 2004. Approval of the Agreement of renewal will ensure proper execution of the necessary documents to

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assure continued access by the City to this valuable, low-cost source of power and energy.

This Agreement for renewal shall become effective on the date of execution and, subject to prior termination as provided therein, shall remain in effect until midnight of December 31, 2004. Contract No. DE-MS65-82WP59015, dated February 24, 1982, between the City of Lodi and Western, as amended or supplemented, shall terminate upon the effective date of this Agreement.

AGENDA ITEM PULLED FROM THE CONSENT
CALENDAR AND CONTINUED TO THE COUNCIL
MEETING OF OCTOBER 21, 1992

Continued consideration of agenda item #F-9 entitled, "Final map and improvement agreement of Johnson Ranch, Unit No. 2, Tract No. 2586" until the Council meeting of October 21, 1992.

IMPROVEMENT DEFERRAL AGREEMENT FOR SIDEWALK
REPAIR AT 1619 HOLLY DRIVE, LODI APPROVED

RESOLUTION NO. 92-170

CC-90
1-300

The City Council adopted Resolution No. 92-170 approving the Improvement Deferral Agreement for sidewalk repair at 1619 Holly Drive, Lodi, California, and directed the City Manager and City Clerk to execute the Improvement Deferral Agreement on behalf of the City.

On April 3, 1992, an application was filed for a building permit for a residential remodel consisting of a second story bath and recreation room addition at 1619 Holly Drive. As a condition of the issuance of a building permit for the addition, and per our existing policy, the Public Works Department required that damaged sidewalk (approximately 48 feet) fronting the residence be repaired (Lodi Municipal Code 15.44.030 and 15.44.050). The owners have questioned this requirement. Staff is currently reevaluating the criteria used to determine if this type of sidewalk repair should be required in conjunction with the issuance of a building permit. The Public Works Department, therefore, has offered to defer the sidewalk repair work for one year provided the owner would enter into an Improvement Deferral Agreement with the City (Lodi Municipal Code 15.44.040). The owners, Robert L. and Samantha J. Fitzgerald, have signed the agreement in which they agree to pay for and complete the removal and replacement of damaged sidewalk within the time period 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.

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PROFESSIONAL SERVICES FOR TEST WELL
DRILLING 1992/93 APPROVED

CC-90 The City Council approved retaining Clark Well, Inc. of Stockton as a qualified driller for test well drilling services for 1992/93. Cost will be based on time and materials.

At the June 20, 1990 meeting, Council approved retaining a qualified driller on a time and materials basis for the drilling of four test wells. Subsequently, test wells for wells 3-R, 11-R, 24 and 25 were drilled. These wells were specifically mentioned in the June 20 Council Communication and were drilled by Clark Well, Inc. Clark has done a good job on these projects and cooperates with City staff. This work is fairly specialized and few drillers do this work. We have also checked costs and Clark is substantially less expensive. The cost for each test well is approximately \$12,500. This approval would be for the two sites described below and any others done through 1993.

The Public Works Department has received preliminary approval from the Lodi Unified School District to drill test wells at both the Washington and Lakewood school sites. These sites conform to locations shown on the Water Master Plan and we would like to move ahead with testing these sites as soon as possible. Should either of these sites prove acceptable for municipal wells, the next step would be to negotiate the lease or purchase of the sites.

AGENDA ITEM PULLED FROM THE
CONSENT CALENDAR

Agenda item #F-13 entitled, "Salary adjustments for members of the Firefighters Unit" was removed from the agenda.

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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:

ON-STREET PARKING IN AREAS OF TOKAY
HIGH SCHOOL

CC-16 Mayor Pinkerton asked staff to review the on-street parking
CC-48(e) situation in the residential areas near Tokay High School.

COMPLAINT RECEIVED CONCERNING OVER-CROWDING
IN SINGLE-FAMILY RESIDENTIAL DWELLINGS

CC-16 Council Member Snider stated that he has been receiving
CC-53(a) increased complaints concerning over-crowding of dwellings,
 especially in single-family neighborhoods.

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COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

CHAMBER OF COMMERCE INFORMS PUBLIC OF
NEW PUBLICATIONS

Evelyn M. Olson, President, Lodi District Chamber of Commerce, 1306 Burgundy Court, Lodi presented two new Chamber publications--Lodi Business Newsletter and "Visitor's Guide" and invited the City Council to a breakfast on tourism on October 9, 1992.

AGENDA ITEM REMOVED FROM THE CONSENT
CALENDAR AND DISCUSSED AND ACTED UPON
BEFORE THE PUBLIC HEARING SEGMENT

Agenda item #F-12 entitled, "Traffic Resolution amendment - Cherokee Lane, from Oak Street to 100' South of Oak Street, "No Parking" of vehicles 6' or more in height" was removed from the Consent Calendar and discussed and acted upon before the Public Hearing segment.

TRAFFIC RESOLUTION AMENDMENT - CHEROKEE LANE,
FROM OAK STREET TO 100' SOUTH OF OAK STREET,
"NO PARKING" OF VEHICLES 6' OR MORE IN HEIGHT
ADOPTED

CC-48 (e)

The Public Works Department received a complaint from a citizen who was involved in an accident earlier this year while entering Cherokee Lane from westbound Oak Street. The citizen's concern at this location is that trucks parked along the east curb line of Cherokee Lane make it difficult for drivers to see northbound vehicles while stopped on westbound Oak Street. This area is zoned commercial and truck parking is permitted.

Available accident records from 1989 to the present indicate that this has been the only accident at this location related to a sight obstruction. The accident report indicated that a truck parked along the east curb line may have contributed to this accident by restricting the visibility of the driver entering Cherokee Lane.

Public Works staff field checked this location and agreed that trucks parking near the intersection could cause a sight problem. Staff feels restricting vehicles 6 feet or more in height within 100 feet south of the intersection would improve visibility of northbound vehicles while still retaining a parking area of 63.5 feet adjacent to the restaurant on the southeast corner to accommodate customers with vehicles under 6 feet high. Unrestricted parking is also available on Oak Street.

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The type of parking restriction being proposed was installed on Cherokee Lane at Almond Drive in December 1990. The Police Department has indicated that they have experienced no problems with this installation and available accident records indicate that no accidents related to sight obstructions have occurred since the signing was installed. Therefore, staff recommended that City Council approve the installation of this restricted parking zone.

Speaking against the matter was the following:

- a) George Galatsatos, George's Family Restaurant, 100 South Cherokee Lane.

On motion of Mayor Pro Tempore Pennino, Pinkerton second, the City Council by a unanimous vote failed to adopt resolution installing a 100' restricted parking zone, for vehicles 6' or more in height, on the east side of Cherokee Lane, south of Oak Street.

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 Eastside Lighting Program which project would include the installation of street lights at various sites on the east side of the City of Lodi.

EASTSIDE LIGHTING PROGRAM APPROVED

RESOLUTION NO. 92-172

CC-133
CC-300

Following introduction of the matter by Community Development Director Schroeder, Assistant Planner, Eric Veerkamp, presented the following report regarding the Eastside Lighting Program.

This project will install street lights at four public sites in the east side as shown below:

In the area of Heritage School on Garfield Street between Hilborn and Eden Streets, on Eden Street between Garfield Street and Cherokee Lane.

In the area of Van Buskirk Park on Pleasant Avenue between Forest and Daisy Avenue, on Daisy Avenue between Pleasant Avenue and Church Street.

In the area of John Blakely Park on Mission and Poplar Streets between Stockton and Washington Streets, on Washington Street between Mission and Poplar Streets.

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In the area of Hale Park on Washington Street between Locust and Elm Streets.

City staff has determined that in order to sufficiently illuminate the streets and intersections surrounding the sites, not only should new lights be added, but some of the old standards should be replaced. Comments from the public are expected to be related to the type of light, the brightness, and the location. Community Development Block Grant (CDBG) funds will be used to pay this project.

Following questions directed to Mr. Veerkamp and Mel Grandi, Electrical Engineer, Mayor Pinkerton opened the hearing to the public. Speaking in favor of the matter was the following person:

- a) Virginia Lahr, 311 East Elm Street, Lodi, California.

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

Following further discussion, on motion of Council Member Snider, Hinchman second, the City Council adopted Resolution No. 92-172 entitled, "A Resolution of the Lodi City Council Approving the Eastside Lighting Program For the Installation of Street Lights at Various Sites on the East Side of the City of Lodi", Option 1.

PLANNING COMMISSION REPORT

City Manager Peterson presented the following Planning Commission Reports of the Planning Commission Meetings of September 14, 1992 and September 28, 1992:

CC-35

The regular Planning Commission meeting of September 14, 1992 was not conducted due to the lack of a quorum.

The following actions were taken at the last regular Planning Commission meeting of September 28, 1992:

- a. Recommended that the Site Plan and Architectural Review Committee's authority be extended to include non-residential new construction and remodel projects in the M-1 and M-2 zones and to expand the definition of "material alteration".

On motion of Council Member Hinchman, Snider second, the City Council unanimously set the matter for public hearing on November 4, 1992.

ITEMS OF INTEREST

The Planning Commission also -

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- b. Conditionally approved the request of Stephen R. Edwards for a Use Permit for slot car sales and racetrack at 720 West Lodi Avenue in an area zoned C-1, Neighborhood Commercial.
- c. Took the following actions on the request of Dana Smith and Brad DuLac for the approval of the Tentative Subdivision Map of Bridgehaven, a 6.15 acre, 47 lot single-family subdivision south of the W.I.D. Canal on the west side of Woodhaven Lane:
 - 1. Certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the project; and
 - 2. Conditionally approved the Tentative Subdivision Map.
- d. Conditionally approved the request of Phillippi Engineering Inc. on behalf of Manuel and Jane Hughes and the Roman Catholic Bishop of Stockton for a Tentative Parcel Map to create 6 parcels from 2 parcels at 2315 and 2375 West Kettleman Lane (Lodi Towne Plaza) in an area zoned C-S, Commercial Shopping.
- e. Conditionally approved the request of Phillippi Engineering on behalf of Manuel and Jane Hughes and the Roman Catholic Bishop of Stockton for a Use Permit for Lodi Towne Plaza, a 14 acre retail shopping center proposed for 2315 and 2375 West Kettleman Lane in an area zoned C-S, Commercial Shopping.
- f. Continued consideration of the request of Gary Archer for a Use Permit for a temporary office trailer at 247 Commerce Street in an area zoned M-2, Heavy Industrial until October 12, 1992 because no one was present to represent the applicant.
- g. Continued consideration of the request of Ford Construction Company, Inc. for a Use Permit for a temporary office trailer at 500 North Cluff Avenue in an area zoned M-2, Heavy Industrial because no one was present to represent the applicant.
- h. Conditionally approved the request of Christian J. Knox for a Use Permit for a playroom and video arcade adjacent to a laundromat at 633 East Victor Road in an area zoned M-1, Light Industrial.
- i. Determined that a zoning hardship existed and approved the request of Daniel Ingrum for a Zoning Variance to reduce the required front yard setback from 20 feet to 10 feet to

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permit the erection of a 6-foot fence at 1905 Edgewood Drive in an area zoned R-1, Single-Family Residential.

j. Continued discussion of the Sign Ordinance amendment and set a work session for 7:00 a.m., Monday, October 19, 1992 to review the present on-premise sign restrictions.

k. Received the 1992 Growth Management ratings by the staff and called a Special Session and Public Hearing for 7:30 p.m., Monday, October 19, 1992 to review the ratings and make recommendations to the City Council.

COMMUNICATIONS
(CITY CLERK)

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

- a) Michael and Debra Irwin, Date of loss 8/11/92;
- b) Mike Liebelt, Date of loss 8/24/92;
- c) State Farm Insurance (Brien), Date of loss 7/3/92; and
- d) Transamerica Insurance Company (Marks), Date of loss 6/1/92.

ABC LICENSE
APPLICATIONS

The City Council received the following Alcoholic Beverage Control License:

CC-7 (f) a) Quik Stop Markets, Inc. and Walter Plattel and Hong Nga Plattel, 205 West Lockeford Street, Off Sale Beer and Wine, Person to Person Transfer.

REGULAR CALENDAR

SET PUBLIC HEARING FOR OCTOBER 21, 1992 TO
CONSIDER REFUSE RATES ADJUSTMENTS

CC-54 On motion of Council Member Sieglock, Hinchman second, the
CC-56 City Council set for public hearing on October 21, 1992 a public hearing to establish rates for refuse collection and disposal.

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HUTCHINS STREET SQUARE RENTAL FEE SCHEDULE AMENDED

RESOLUTION NO. 92-171

CC-14(e) Community Center Director Lange presented a report to the
CC-56 City Council regarding the proposed Hutchins Street Square
CC-300 rental fee schedule.

The Community Center, or Hutchins Street Square, has numerous specialized facilities available for various recreational and cultural activities. The Center also has several buildings available for private use.

The North Hall has a maximum seating of 400 for dining and 900 for dancing/lectures. The room has air conditioning, hardwood floors and measures 99' X 62' (6,138 sq. ft.).

The Multipurpose Room, with hardwood floors, measures 82' X 46' (3,772 sq. ft.) has a maximum seating capacity of 250 for dining and 300 for dancing/lectures.

The Fine Arts Theater lends itself nicely to theatrical productions, lectures, and small receptions. The air-conditioned room measures 48' X 37' (1,776 sq. ft.) and can accommodate up to 100 seated diners.

The City is currently charging fees to most private users at a level that is recovering about 47% of the full cost of providing the service. It is recommended that the City recover 50% of the full cost for local residents and 100% of the cost for non-local residents.

The City is also charging a \$100 refundable deposit for the use of the above buildings. It is recommended that the deposit be raised to \$150 for local residents and \$250 for non-residents.

Following a lengthy discussion among the City Council and staff, on motion of Council Member Snider, Pinkerton second, the City Council adopted resolution setting the residential fee to be within the boundaries of the Lodi Unified School District and the non-residential fee to be those outside of the boundaries of the Lodi Unified School District at the rates shown on the next page by the following vote:

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

Noes: Council Members - Pennino

Absent: Council Members - None

RENTAL RATES AND MISCELLANEOUS FEES

HUTCHINS STREET SQUARE
 125 S. Hutchins Street Square, Suite A
 Lodi, California 95240
 (209) 333-6782

FACILITY	RENT resident	RENT non- resident	DEPOSIT resident	DEPOSIT non- resident	INSURANCE	STAGES 6' X 8'	PIANO	CANOPY 10'x10' on site
NORTH HALL Capacity - 400	\$ 650	\$ 1,300	\$ 150	\$ 250	To Be Determined	\$ 20 each	\$ 25	\$ 25 each
MULTIPURPOSE ROOM Capacity - 250	\$ 300	\$ 600	\$ 150	\$ 250	To Be Determined	\$ 20 each	N/A	\$ 25 each
FINE ARTS THEATRE Capacity - 100	\$ 160	\$ 300	\$ 150	\$ 250	To Be Determined	\$ 20 each	\$ 25	\$ 25 each

* Lessee is responsible for tuning piano

ALSO AVAILABLE AT NO ADDITIONAL FEE:

- * Overhead Projector
- * Coffee Urns
- * Amplified Lectern
- * TV/VCR

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RECESS

Mayor Pinkerton called for a recess and the City Council reconvened at approximately 9:12 p.m.

REPORT REGARDING THE GANG TASK FORCE

CC-2(q)

City Manager Peterson introduced Sergeant Richard Dean who reported on the progress of the Gang Task Force and the formation of the new Lodi Police Department Gang Unit.

Speaking on the matter was Perfector Munoz, 19329 Wilderness Way, Woodbridge stressing the importance of this committee as a community involvement. The 19 member committee would consist of the following: three members from the Lodi Unified School District (one from administration, one from the middle school and one from the high school), two members from the Lodi Police Department (one from administration and one officer), one person from the San Joaquin County Sherrif's Office from North County, one from the City of Lodi Parks and Recreation Department, one member from the Chamber of Commerce, one member of the Mexican-American Lions Club, one City Council Member, one member from the Council of Churches, two student representatives from the Lodi Unified School District, an ex-gang member, and five citizen members to be appointed by the Mayor. Mr. Munoz recommends three members including Mrs. Salazar, Mr. Bob Shamrock, and Perfector Munoz be among the five citizen representatives to be appointed by the Mayor. Citizens interested in serving on this committee were directed to contact Sgt. Dean at the Police Department at 333-6880.

The City Council asked that names for Task Force Members be submitted to the Mayor for appointment at a future meeting.

In addition, Sgt. Dean informed the City Council of the Police Department's two new full-time officers whose time will be devoted strictly to gang activity.

ITEM CONTINUED TO THE COUNCIL MEETING OF OCTOBER 21, 1992

Upon recommendation of the City Manager, on motion of Council Member Hinchman, Sieglock second, the Lodi City Council continued Regular Calendar item #L-4 entitled, "Report concerning the request of property owners for modification of City of Lodi General Plan (South Lodi Sanitary Sewer Study)" until the Council meeting of October 21, 1992.

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92/93 APPROPRIATION SPENDING LIMIT ADOPTED

RESOLUTION NO. 92-169

CC-21(b)
CC-300

Finance Director Flynn presented the following report to the City Council regarding the 1992/93 Appropriation Spending Limit.

The statutes regarding the adoption of the Appropriations Limit are contained in Government Code Section 7910. Basically the law calls for the adoption of the Limit by resolution prior to the beginning of the fiscal year. However, this requirement also assumes that the State has an adopted budget in accordance with the State Constitution in which the City's revenues subject to limit are available. Also, Proposition 111 now requires a recorded vote of the Council designating the annual adjustment factors selected to calculate the Limit.

Adoption of the Limit is required to be done at a regular meeting of the Council. There is no required hearing or public notice. The documentation used to compute the Limit must be available to the public at least 15 days prior to the meeting, but only the meeting itself needs to be publicly noticed.

Once the Limit is adopted, the public has 45 days from the effective date of the resolution to initiate judicial action regarding the Limit. Once the Appropriations Limit has been adopted, there are two publication requirements:

1. Pursuant to Government Code Section 37200 the Appropriation Limit and the total Appropriation Subject to Limitation must be published in the annual budget.
2. The State Controller's Office requires the submission of an informational form along with the filing of the Annual Statement of Financial Transactions no later than 90 days after the state of each fiscal year.

APPROPRIATION LIMIT

Calculation of the appropriation limit is relatively easy to compute. The calculation is based on either the growth of California Per Capita Income (.9936) or the increase in non-residential assessed value due to new construction (published by the County) and City population growth (1.0241) or County population growth. The "annual adjustment factors", inflation and the population increase are multiplied to determine a final percentage (1.0175) which is then multiplied by the prior years' Limit. This calculation is provided in an exhibit which was presented

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to the City Council with the calculations used in the last six (6) years.

The City selected the California Per Capita Income and the City population growth to calculate the Appropriation Limit. With these factors, the appropriation subject to the Limit of \$17,255,606 is significantly less than the Appropriation Limit of \$34,027,028. This allows the City a 50% available margin before the Appropriation Limit is exceeded.

APPROPRIATIONS SUBJECT TO LIMIT

The appropriation subject to limit for Fiscal Year 1992/93 is \$17,255,606 as shown in an exhibit presented for Council's review. This limit represents the proceeds from taxes plus investment earnings less allowable exclusions which includes debt service, qualified capital outlays, court orders and federal mandates. The calculation for exclusions is shown in exhibits which were presented for Council's review.

ANNUAL REVIEW AND ENFORCEMENT

Proposition 111 (Section 1.5 of Article XIII B) requires that the annual calculation of the limit be reviewed as part of the annual financial audit which is now scheduled to be completed prior to November 1992 by the City's auditors, KPMG Peat Marwick.

On motion of Mayor Pro Tempore Pennino, Hinchman second, the City Council adopted Resolution No. 92-169 entitled, "Resolution Adopting the Appropriation Limit and Adjustment Factors Selected to Calculate the Limit for Fiscal Year 1992/93" by a unanimous vote.

DISCUSSION REGARDING 1992/93 OPERATING BUDGET

CC-21(b)

City Manager Peterson presented the following report regarding the 1992/93 Operating Budget.

Actions of the State Legislature in balancing the State's budget has resulted in a reduction of property tax revenue to the City of approximately \$430,000. City Council and staff action to date has met this deficit, but additional considerations are necessary in preparation for the anticipated significant revenue shortfall in the 1993/94 operating budget. Department heads have prepared operations and staff level reductions in various levels of severity. Staff will be looking to the City Council for policy decisions as we move to the adoption of a final operating budget for 1992/93.

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Discussion and comments were made by City Council and staff members.

INTRODUCTION OF MATTERS PERTAINING TO PUBLIC EMPLOYEES' RETIREMENT SYSTEM SERVICE CREDIT

CC-6
CC-34

Personnel Director Narloch presented the following report regarding the introduction of matters pertaining to Public Employees' Retirement System service credit.

The condition of the economy in the state has compelled many agencies to search for ways to cope with lost revenues. To assist agencies with implementing various courses of action, PERS has provided some relief through the offering of optional provisions for contracting agencies.

The following memorandum explains what the three options are and the conditions that apply to each.

Per the City Manager's direction, the Personnel Director has researched and prepared an analysis of the City's available options under PERS for the implementation of cutbacks. These options and their impact are discussed below.

Section 20818

This option is currently available to PERS contracting agencies and provides two years of additional service credit to members who retire during a designated period if a mandatory transfer, layoff, or demotion is imminent and the following requirements are met:

- a. The designated period can not be less than 90 nor more than 180 days in length.
- b. The contracting agency must submit to PERS the actuarial equivalent of the difference between the allowance the member will receive and the allowance the member would have received without the additional service credit within 30 days of billing; or on a two-year payment schedule subject to interest assessment at the current employer crediting rate (8.75%).
- c. The contracting agency must certify that it is electing to be subject to the provisions of this section due to mandatory transfers, layoffs, and/or

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demotions and that these actions constitute at least one percent of the job classification, department, or organizational unit;

- d. The contracting agency must certify that it is its intention at the time it becomes subject to Section 20818 to keep all vacancies, or at least one vacancy in any position in any department or organizational unit, created by retirements under this section permanently unfilled.

The eligibility for this service credit is the same as for a regular service retirement, which is at least five (5) years of service credit and 50 years of age. The expiration date on this section was recently amended from January, 1993 to January, 1998 by Senate Bill 1285.

The estimated cost of providing this option is based on the employee's annual reportable compensation, the cost estimate factors and any additional allowances an agency may have. For the City of Lodi, this amount would be 31% - 52% of annual salary for miscellaneous employees and 49% - 60% for safety employees. In general terms, this is about 50% of an employee's annual salary.

The cost savings factor comes into play with the follow-up on filling or not filling the resulting vacancy. For example, if a vacancy was not filled, the agency would save the cost of salary, and benefits. If a position was not filled for six months, the savings would be six months salary, benefits, and additional PERS contributions. If a position was filled immediately at a lower rate or pay, we may be saving salary, but we would be in essence paying PERS for two employees.

In addition, there is a \$10.00 valuation fee for each member who retires during the designated period and receives the additional service credit.

To provide this option, we would have to amend our contract with PERS, in compliance with the Government Code.

Section 20499.5

Senate Bill 1285 was recently signed into law by the Governor. This bill added Section 20499.5 to the Government Code effective July 1, 1992. This law gives contracting agencies the opportunity to preserve retirement benefits for employees who are affected by a reduction in salary or reduced working hours. In a nutshell, this law enables agencies to maintain compensation and service

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credit levels at the level currently provided to the employee prior to the reduction in salary and/or working hours.

There would be no additional cost to the employers in offering this benefit. It would mean, however, that we would continue to make the employer and employee contributions on the basis of the employee's usual earnings prior to the reduction in salary and/or working hours. The net savings to us would be in reduced salary only.

To provide this option, we would have to file a resolution with PERS to inform the system of our intention.

Assembly Bill 75

This bill was vetoed by the governor and is currently not an available option.

Council, feeling that there was not enough information to make a decision on the matter, did not take any action regarding the two options available through contract with Public Employees' Retirement System.

REQUEST FOR WATER AND STORM DRAINAGE
SERVICE FOR A PORTION OF PARCEL NO. 027-040-33
(1313 EAST HIGHWAY 12, LODI) APPROVED

1-21(b)
CC-176

Following introduction of the matter by City Manager Peterson, the Public Works Director presented the following report regarding request for water and storm drainage service for a portion of Parcel No. 027-040-33 (1313 East Highway 12, Lodi).

The City Council received the following letter from the Lodi Church of God (Seventh Day) on the north side of Kettleman Lane requesting water and storm drainage service for a portion of parcel number 027-040-33.

I am hereby requesting that you place on the next available City Council agenda my request to receive contract water service and contract storm drainage service from the City for a portion of parcel number 027-040-33. The Church will be filing an application for a use permit under the County planning ordinance for a Church site on this property. After the use permit has been granted the Church will parcelize the property and begin to arrange financing for the construction of permanent Church facilities.

As you know, this property is a peninsula of county property surrounded by the City and is slated to have full City services very soon as the City staff has already received numerous requests for annexation for all the

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properties along the north side of Kettleman Lane east of Lower Sacramento Road.

I have included a location map and parcel map for staff to review the area. If you have any questions regarding this request, please contact myself at 334-6263 or Jeffrey Kirst of KCF Real Estate. His phone number is 334-0670.

Michael Reuscher
Chairman of the Board
Church of God
(Seventh Day)

According to staff's conversations with Jeffrey Kirst of KCF Real Estate, the church wishes to purchase approximately three acres for a future church site. It is their current plan to be annexed to the City before their church is actually built and before they would be using City water and storm services. Since the land is presently not within the City limits, they have approached the County for a use permit and parcel map. To obtain these, they need a letter from the City authorizing water and drainage service. If Council grants approval and for some reason they wish to build prior to annexation, the City would be obligated to provide service.

The existing water and storm lines were shown on a map presented to Council. Water service will require a Kettleman Lane crossing and storm service will require crossing the parcel located to the west or installation of a line in Kettleman Lane. Any work in Kettleman Lane will require Caltrans approval.

Staff has no problem with the utility service request. However, there is some concern over the proposed layout of the parcel. Staff has discussed these concerns with Mr. Kirst as it affects the master planned collector street north of Kettleman Lane. We will continue to work with him and the other property owners in the area to resolve the street location.

In the meantime, if Council wishes to approve the request, the following conditions are recommended:

- 1) That rates for utility service outside the City limits apply.
- 2) That the applicant prepare all necessary plans for the needed improvements, install the improvements and pay all impact fees and charges for service in conformance with City Design and Construction Standards and development requirements.

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- 3) That the applicant agree to connect to the City sewer system upon request and pay all applicable fees and charges for service.
- 4) That the parcel map creating the parcel be by the formally reviewed Planning Commission.

Speaking on the matter was the following:

- a) Jeffrey Kirst, 109 River Meadows Drive, Lodi.

On motion of Council Member Hinchman, Snider second, the City Council unanimously approved the request for water and storm drainage service for a portion of Parcel No. 027-040-33 (1313 East Highway 12, Lodi) with the conditions recommended by staff.

ORDINANCES

There were no ordinances for adoption.

CLOSED SESSION

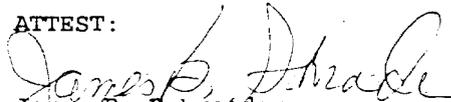
The City Council adjourned to a Closed Session to discuss the following matters:

- CC-200(d) a) Litigation - Un Mi Barnes v. City of Lodi and Floyd Williams, Chief of Police, Superior Court, San Joaquin County, Case No. 247245;
- 200(c) b) Property acquisition - APN: 029-030-33 Lower Sacramento Road, Lodi, California;
- CC-200(d) c) Litigation - City of Lodi v. Shell Oil Co. et al., Superior Court, County of San Francisco, Case No. 939483; and
- CC-200(a) d) Labor relations.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 11:30 p.m.

ATTEST:


 James B. Schroeder
 Deputy City Clerk