

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 18, 1992
7:30 P.M.

ROLL CALL Present: Council Members - Hinchman, Pennino,
Sieglock, Snider, and Pinkerton (Mayor)
Absent: Council Members - None
Also Present: City Manager Peterson, Assistant City
Manager Glenn, Community Development
Director Schroeder, Assistant City Engineer
Prima, City Attorney McNatt, and City Clerk
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INVOCATION The invocation was given by Pastor Jean Lebbert, Emanuel
Lutheran Church.

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

PRESENTATIONS

HELEN PUTNAM AWARDS PRESENTED TO
HUTCHINS STREET SQUARE AND THE OLD
LODI UNION HIGH SCHOOL SITE FOUNDATION

CC-14(e) Mayor Pinkerton and Dennis Bennett, Chairman of the Old
Lodi Union High School Site Foundation, announced that at a
ceremony in the Governor's Office, the City of Lodi
received the "California Cities Helen Putnam Award for
Excellence, Community Development, Lodi 1992", and the
Foundation received the "California Cities Helen Putnam
Award for Excellence, Hutchins Street Square Foundation for
its partnership with the City of Lodi 1992".

PROCLAMATION

CC-37 Mayor Pinkerton presented a proclamation for the "Mayor's
Annual Holiday Child Share Program".

REPRESENTATIVES OF THE LODI SWIM CLUB INTRODUCED

Representatives of the Lodi Swim Club who recently
participated in a swim meet on Victoria Island were
introduced.

COMMENTS BY THE PUBLIC - CONSENT CALENDAR
SEGMENT OF THE AGENDA

There were no persons wishing to speak under this segment
of the agenda.

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

Agenda item #F-10 entitled, "Salary adjustments for members of the Firefighters Unit" was removed from the agenda.

Agenda item #F-11 entitled, "Establish standard pickup location for waste cart receptacles" was pulled from the Consent Calendar and discussed and acted upon under the Regular Calendar.

CLAIMS CC-21(a) Claims were approved in the amount of \$1,237,028.19.

MINUTES There were no minutes presented for City Council approval.

SPECIFICATIONS APPROVED FOR PURCHASE OF OIL FILTRATION SYSTEM

CC-12.1(b) The City Council approved the specifications and authorized advertisement for bids for an oil filtration system for the Electric Utility Department.

The City Council was advised that the oil filtration system is a piece of equipment used in maintenance and repair of high voltage, oil insulated equipment, such as power transformers, circuit breakers and switching equipment. This system will replace a similar, but worn out and corroded pump and filter system.

The bid opening has been set for Tuesday, December 15, 1992.

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR PADMOUNT SWITCHGEAR APPROVED FOR ELECTRIC UTILITY DEPARTMENT

CC-12.1(b) The City Council approved the specifications and authorized advertisement for bids for the purchase of air insulated padmount switchgear (4) for the Electric Utility Department.

The City Council was advised that the switchgear will be used on the electric distribution system in the following subdivisions: Century Meadows One, Century Meadows Three and Towne Ranch as well as to provide inventory for emergency backup.

The bid opening has been set for Tuesday, December 22, 1992.

SPECIFICATIONS FOR ELECTRICAL CABLE FOR
THE ELECTRIC UTILITY DEPARTMENT APPROVED

CC-12.1(b) The City Council approved the specifications and authorized advertisement for bids for the purchase of 30,000 feet of #1/0 15kV underground primary conductor, and 10,000 feet of 600-volt secondary triplex for the Electric Utility Department.

This cable will be needed for installation in eleven new residential and commercial subdivisions scheduled to begin during the next six to twelve months, and to provide an inventory for routine or emergency maintenance of the existing electrical system.

Some of the developments where this cable will be used are Sunwest Plaza 2, Johnson Ranch 2, Century Meadows 1, 2 and 3, Towne Ranch 1, and the new Target store. As home construction continues beyond the 12-month horizon, additional 600-volt triplex will be needed, and bids will be solicited at that time.

SPECIFICATIONS FOR COMPUTER EQUIPMENT FOR
THE POLICE DEPARTMENT APPROVED

CC-12.1(b) The City Council approved specifications and authorized advertisement for bids for computer equipment as specified below for the Police Department's Detective Division.

On July 15, 1992, the City Council authorized the allocation of funds from the Asset Seizure Account to purchase computer equipment, as well as firearms, for the Police Department. In August, the City Council adopted Resolution 92-140 authorizing the purchase of thirteen computer terminals, the first phase in the Police Department's computer upgrade program.

This second and final phase of the program will provide for purchase and installation of three IBM personal computers, six IBM printers, four IBM emulation kits (allowing the PCs to attach to and communicate with the Department's IBM AS/400 computer), and an auxiliary diskette drive.

PUBLIC HEARING SET TO CONSIDER REQUEST
OF SUPER CAB TO OPERATE A TAXI SERVICE
WITHIN THE CITY OF LODI

CC-22 The City Council directed the City Clerk to publish a legal
CC-22.1 advertisement advising of a public hearing that has been set by the City Clerk for December 16, 1992 to consider the application of Super Cab to operate a taxicab service within the City of Lodi.

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The City of Lodi is in receipt of an application to operate a taxicab service in the City of Lodi which has been received from Super Cab, P.O. Box 45, Rio Vista, Ca.

Section 5.24.220 of the Lodi Municipal Code sets forth that:

"...upon the receipt of an application referred to in Section 5.24.210, the city clerk shall set a time, not less than ten nor more than thirty days thereafter, for the hearing of the application before the City Council, and shall give notice of the time so set, at least five days before the date of the hearing, to the applicant and to any other permit holder under this chapter at the address set out in such application and by publication, if directed, by the council."

Pursuant to this Section of the Lodi Municipal Code, the City Clerk set this public hearing for December 16, 1992.

PUBLIC HEARING SET TO REVIEW COST REPORT
OF CITY OF LODI 1992 WEED ABATEMENT
PROGRAM

CC-24(b)

The City Council set a public hearing for the regular Council meeting of December 16, 1992 to receive a report of the cost of abatement of weeds on the parcels listed below located in the City and to hear any objections of the property owners liable to be assessed for the abatement.

Council was reminded that several months ago the Council initiated weed abatement proceedings on various parcels throughout the City. According to the Government Code of the State of California legal noticing, including letters to the subject property owners, publications and postings were made regarding the matter. Public hearings regarding the program were conducted by the City Council.

Ultimately, the City abated weeds on the following parcels:

1. 713 South Sacramento Street, Lodi \$145.00
Contractor: Ireland Landscape Co., Stockton
2. 811 South Pleasant Avenue, Lodi \$100.00
Contractor: Ireland Landscape Co., Stockton
3. 404 Flora Street, Lodi \$120.00
Contractor: Ireland Landscape Co., Stockton

4. 706 Garfield Street, Lodi \$175.00
Contractor: S. E. Del Rio, Lodi Owner has indicated
willingness to
reimburse City for
cost of abatement

The Government Code provides that the City Council shall set a public hearing to receive a report of the cost of abatement in front of or on each separate parcel of land where the work was done by the City. At the time fixed for receiving and considering the report, the legislative body shall hear it with any objections of the property owners liable to be assessed for the abatement. After confirmation of the report by the Council a copy shall be forwarded to the County Assessor and Tax Collector who shall add the amount of the assessment to the next regular tax bill levied against the parcel for municipal purposes.

PUBLIC HEARING SET REGARDING THE NEGATIVE
DECLARATION FOR SOUTH LODI SANITARY
SEWER LINE EXPANSION AND LIFT STATION

- CC-6 The City Council set a Public Hearing for December 16, 1992
CC-44 to certify a Negative Declaration for South Lodi Sanitary
Sewer Line Expansion and Lift Station.

ITEM REMOVED FROM AGENDA

Agenda item #F-10 entitled, "Salary adjustments for members of the Firefighters Unit" was removed from the agenda.

ITEM REMOVED FROM CONSENT CALENDAR AND
DISCUSSED AND ACTED UPON UNDER THE
REGULAR CALENDAR

Agenda item #F-11 entitled, "Establish standard pickup location for waste cart receptacles" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.

ACCEPTANCE OF IMPROVEMENTS UNDER ALMOND DRIVE,
CURB, GUTTER AND SIDEWALK, 1100 E/SONGBIRD
PLACE TO 1300' E/SONGBIRD PLACE

- CC-90 The City Council accepted the improvements under the
"Almond Drive Curb, Gutter and Sidewalk, 1100' E/Songbird
Place to 1300' E/Songbird Place" contract, and directed the
Public Works Director to file a Notice of Completion with
the County Recorder's office.

The contract was awarded to Claude C. Wood Co. of Lodi on August 19, 1992 in the amount of \$28,808.25. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

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The contract completion date was November 18, 1992, and the actual completion date was November 9, 1992. The final contract price was \$29,503.38. The difference between the contract amount and the final contract price is mainly due to minor differences in the contract pay quantities and the engineer's estimate.

CONTRACT AWARDED FOR UNIFORM SERVICE FOR PUBLIC WORKS EMPLOYEES

RESOLUTION NO. 92-186

CC-34 The City Council adopted Resolution 92-186 awarding the contract for uniforms for Public Works Street and Water/Wastewater employees in the amount of \$10,295 to Valley Industrial Services.

The City received bids for rental and cleaning of uniforms on July 6, 1992 for Public Works Street and Water/Wastewater employees and Parks Division employees. Upon review of the bids, it was determined that due to budget constraints, uniforms were not feasible until further consideration of department budgets. No contracts were awarded and no bids were rejected.

After evaluating the budget situation and safety issues, staff is now recommending that the City go forward with the rental agreement for uniforms for the Public Works Street and Water/Wastewater employees (48 total) and not provide uniforms for the Parks Division employees at this time.

Three vendors submitted bids, and all have agreed to honor their initial proposed prices.

Bidder	Location	Bid
Valley Industrial Services	Sacramento	\$10,295.00
Prudential Overall Supply	Elk Grove	\$10,600.80
Mission Uniform and Linen Service	Sacramento	\$11,564.00

SPECIFICATIONS APPROVED FOR REQUESTS FOR PROPOSALS FOR DIAL-A-RIDE RADIO SYSTEM

CC-50(b) The City Council approved specifications and authorized the advertisement for Requests for Proposals for a Dial-A-Ride radio system to include mobile radios and a base station.

The City has been renting a Motorola Communications radio system for the Dial-A-Ride program since the City took over the Dial-A-Ride contract on September 10, 1992. The City is paying approximately \$2,000 per month to utilize ten hand-held portable Motorola radios for the drivers and

dispatchers. The old radio system and frequency are owned by the former City Cab Company.

The City will be in the transportation business until at least such time as a decision is made regarding the City's overall transportation needs. It is much more economically feasible to purchase a radio system now, which can work off of the City's trunking system, rather than continue to rent radios from Motorola. A new radio system can be purchased and installed for under \$10,000.

COMMENTS BY CITY

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

REQUEST TO LOOK INTO UNDERGROUNDING OF POWER POLES ON ALMOND DRIVE

CC-16 Mayor Pro Tempore Pennino asked that staff look into
CC-57 undergrounding three electrical power poles in the area of Almond Drive and Songbird Place.

PARTING REMARKS AND EXPRESSIONS OF APPRECIATION MADE BY COUNCIL MEMBER HINCHMAN

Parting remarks and expressions of appreciation were made by Council Member Hinchman.

CONCERNS EXPRESSED REGARDING PROPOSED NEW NCPA PROJECT ON THE NORTH FORK OF THE STANISLAUS RIVER

Council Member Hinchman commented on the proposed new NCPA project involving the north fork of the Stanislaus River, and indicated his concerns regarding the project.

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:

HUTCHINS STREET SQUARE FUND RAISER

Evelyn M. Olson, member of the Old Lodi Union High School Site Foundation, announced that December 4, 1992 the Foundation is holding its winter fund raiser for Hutchins Street Square, Jingle Bell Rock and urged the citizens of this community to participate.

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QUESTIONS RAISED REGARDING RECENTLY APPROVED
THREE-CART REFUSE COLLECTION SYSTEM AND INCREASED RATES

CC-22 (b) Eileen St. Yves, 310 South Orange Avenue #60, Lodi addressed the City Council asking a number of questions regarding the recently approved three-cart refuse collection system and increased rates.

LODI DOWNTOWN BUSINESS ASSOCIATION REQUEST
FUNDS FOR CHRISTMAS DECORATIONS

CC-6 John Borelli, 718 West Pine Street, Lodi speaking on behalf
CC-72 of the Lodi Downtown Business Association addressed the City Council requesting \$2700 to be used toward the purchase of Christmas decorations in the downtown area. The request was approved with the funds to be allocated from the Hotel/Motel Tax Reserve Fund. This appropriation was included in the adoption of Resolution No. 92-185 which was adopted at another point on the agenda.

PUBLIC HEARINGS Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the update of the Development Impact Mitigation fees.

PUBLIC HEARING REGARDING THE UPDATE OF THE
DEVELOPMENT IMPACT MITIGATION FEES
CONTINUED TO FEBRUARY 3, 1993

CC-56 Assistant City Engineer Richard Prima introduced the matter advising the City Council that the City's Development Impact Mitigation Fee Program, adopted in 1991, provides for an annual update of the fees based on the Engineering News Record (ENR) 20 Cities Construction Cost Index. Further adjustments can be made if there are substantial changes in the fee program projects, their costs, or other factors. The City has used the ENR for updating the storm drainage impact fee since 1972.

The projects, costs, need for improvements and relationship between the need and impacts of the various types of development are substantially the same as contained in the 1991 Lodi Development Impact Fee Study prepared by Nolte and Associates and Angus McDonald & Associates. Minor changes in street projects have occurred which offset each other in terms of costs under the fee program. Costs for Kettleman Lane (Highway 12) widening are higher due to widening and traffic signal relocations approved by the Council in conjunction with the Wal-Mart project. However, Federal funding for some traffic signals included in the program will offset these costs.

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The only other potentially substantial change involved the cost of land acquisition for basins and parks. The Study calculations used a land value of \$100,000 per acre as of January 1990. The fee calculation process used in establishing the fees adopted in late 1991 included an inflation factor which updated this value to roughly \$106,000. The City has received appraisals on two basin sites. Negotiations have not been completed on either site, but the average appraised value was \$105,000 per acre. Thus, no additional adjustment in the Storm Drainage or Parks and Recreation fees is recommended because of land value.

The recommended adjustment to the fees consists of a 3.61% increase based on the Engineering News Record 20 Cities Construction Cost Index. The total increase for single-family residential development is \$1,460 per acre or roughly \$300 per dwelling.

Addressing the City Council regarding the matter were:

- 1) Rick Scott, Interim Director of BIA;
- 2) Jeff Kirst, KCF Real Estate, 120 North Pleasant Avenue, Lodi;
- 3) Dennis Bennett, Bennett and Compton, Inc. 777 South Ham Lane, Lodi; and
- 4) Russ Munson, 1530 Edgewood Drive, Lodi.

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

On motion of Council Member Hinchman, Sieglock second, the City Council continued the public hearing to February 3, 1993 to allow staff time to develop information as was requested by the City Council regarding the matter.

RECESS

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

PUBLIC HEARING TO CONSIDER PLANNING COMMISSION'S RECOMMENDATION THAT THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S AUTHORITY BE EXTENDED TO INCLUDE NON-RESIDENTIAL NEW CONSTRUCTION AND REMODEL PROJECT IN M-1 AND M-2 ZONES AND TO EXPAND THE DEFINITION OF "MATERIAL ALTERATION"

CC-2(1)

Notice thereof having been published according to law, an affidavit of which publication is on file in the City Clerk's Office, the Mayor called for the Public Hearing to consider the Planning Commission's recommendation that the Site Plan and Architectural Review Committee's (SPARC)

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authority be extended to include non-residential new construction and remodel projects in M-1 and M-2 zones and to expand the definition of "material alteration".

Community Development Director Schroeder addressed the City Council advising that the proposed amendments which would extend the SPARC Committee's authority to include non-residential new construction and remodel projects in M-1 and M-2 zones and to expand the definition of "material alteration" were generated by discussions amongst the members of the Planning Commission and were viewed as needed changes to insure the orderly development of industrial areas. It does not appear that these amendments will increase the amount of time required to obtain a building permit for a proposed project in an industrial zone. The SPARC review can be accomplished, in most cases, while the construction plans are in plan check.

Addressing the City Council regarding the matter was Larry Mindt, Chairman of the Lodi Planning Commission.

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.

Discussion followed with questions being directed to Mr. Mindt.

Also addressing the City Council regarding the matter was the City Attorney.

Council Member Hinchman moved introduction of Ordinance No. 1561 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Section 17.81.030, and Amending Section 17.81.060 (A) Relating to Site Plan and Architectural Approvals". The motion was seconded by Council Member Snider and failed to pass by the following vote:

Ayes: Council Members - Hinchman and Snider

Noes: Council Members - Pennino, Sieglock and Pinkerton
(Mayor)

Absent: Council Members - None

PLANNING COMMISSION
REPORT

City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of November 9, 1992.

CC-35

The Planning Commission -

a.

Recommended that the City Council adopt a Specific Plan for a Collector Street approximately 500 feet north of

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Kettleman Lane between Lower Sacramento Road and the Woodbridge Irrigation District Canal.

Note: Rather than recommending the adopting of a Specific Plan the Public Works Department advises that this should be ". . . adopt a Resolution establishing the alignment of a Collector Street....".

On motion of Mayor Pro Tempore Pennino, Hinchman second, the City Council set the heretofore listed matter for public hearing on December 16, 1992.

a. Denied the appeal of Hawkins and Horton Ventures on behalf of Walgreens concerning the Site Plan and Architectural Committee's denial of a pylon readerboard sign at the southwest corner of West Elm Street and North Ham Lane in an area zoned C-1, Neighborhood Commercial.

c. Determined that zoning hardships existed and approved the requests of Phillippi Engineering Inc. on behalf of Lodi Towne Plaza (i.e. Target Stores) Shopping Center at 901 East State Route 12 (new address 2375 West Kettleman Lane) for zoning variances to (1) reduce building setbacks that require 30-foot setbacks from public streets and 25-foot setbacks from interior property lines, (2) to increase the allowable lot coverage from 25% to 27.5%, and (3) to permit parking stalls that back onto a public street in an area zoned C-S, Commercial Shopping Center.

d. Determined that a zoning hardship did not exist and denied the request of Delta Sign and Crane Service on behalf of Riley Pearlman to increase the size of a free standing sign at 2350 West Kettleman Lane (Sunwest Plaza/Walmart) in an area zoned C-S, Commercial Shopping Center.

In relation to this matter, the staff was instructed to present alternate amendments to the City's shopping center identification sign requirements.

e. Denied the request of Delta Signs and Crane Service on behalf of Riley Pearlman (Sunwest Plaza/Walmart) for a Use Permit for a second shopping center identification sign at 2350 West Kettleman Lane in an area zoned C-S, Commercial Shopping Center, and waived the one-year restriction on reapplying for the use permit.

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4(c)

On recommendation of the City Attorney and Insurance Consulting Associates, Inc. (ICA), on motion of Council Member Hinchman, Sieglock second, the City Council denied the following claim:

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a) Alice E. Jolly, Date of loss 9/26/92

ABC LICENSE
APPLICATIONS

CC-7(f) City Clerk Reimche presented an application for Alcoholic Beverage Control License which had been received for Quik Stop Markets, Inc. and Tony Plattelu, Quik Stop Market #153, 1721 - 1 South Cherokee Lane, Lodi, Off Sale Beer and Wine, Person to Person Transfer.

TERMS EXPIRING ON VARIOUS CITY OF
LODI BOARDS AND COMMISSIONS

CC-2(f) On motion of Council Member Hinchman, Sieglock second, the
CC-2(h) City Council directed the City Clerk to post for the
CC-2(i) following terms which are expiring and various City of Lodi
CC-2(l) Boards and Commissions:

Lodi Senior Citizens Commission

Eleanor Todd four-year term expiring December 31,
1992

John Gorman four-year term expiring December 31,
1992

Personnel Board of Review

Peter Hetzner four-year term expiring January 17,
1993

Parks and Recreation Commission

Elvera Melby four-year term expiring December 31,
1992

Stephen Scott four-year term expiring December 31,
1992

Site Plan and Architectural Review Committee

Donald P. Kundert four-year term expiring January 1, 1993

REFUSE RATES

CC-22(b) The subject of refuse rates was introduced by City Manager Peterson who reminded the City Council that at its meeting of November 4, 1992, it considered the adoption of Ordinance No. 1562 (establishing industrial rates), Ordinance No. 1512 (establishing industrial refuse collection as a service which must be provided by the City's contract waste hauler) and Ordinance No. 1513

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✓

(amending the City's franchise for waste disposal services to include industrial waste).

Council examined many issues relative to these ordinances. Of primary concern was that while many industrial customers would see rates fall, many others would see their rates escalate. Kevin Van Steenberge of Lodi Iron Works, Inc. expressed concern with substantially higher waste collection rates facing his firm. The rate structure schedule proposed on November 4, 1992 included a \$25.00/ton processing charge. In part, this reflects the new practice at the county landfill of charging tipping fees based on weight, rather than volume. Lodi industries which generate large tonnages of waste would therefore face higher rates.

After reviewing these issues, Council directed Dave Vaccarezza, President, California Waste Removal Systems (CWRS), to contact all industrial customers in Lodi and inform them of the impact of the proposed ordinances and request their attendance at the next Council meeting.

After meeting with industrial representatives, CWRS has requested a significant change. CWRS no longer desires a franchise for the collection of industrial waste. Given this, Ordinances 1512, 1513, 1562 may be tabled by Council with no further consideration.

Discussions with Mr. Vaccarezza and input from the last public hearing has led staff to believe it would be in the best interest of all parties if the market were allowed to set the rate for collection and disposal of industrial waste and provide industrial customers with the right to choose the carrier that serves them best.

The City has a large stake in this decision in that the City must have control of the flow of all solid waste so we can meet AB 939 mandates. In fairness to all haulers there should be some uniformity in their relations with the City. So all haulers are treated fairly, the City knows who the haulers are, and receives funds for allowing people to do business in the City, and has control over the flow of waste so AB 939 mandates are met, the following recommendations are made and will be included in an ordinance to be introduced on December 16, 1992:

- a) All collectors of industrial solid waste must have a business license.
- b) All collectors of industrial solid waste must pay a franchise fee equal to 4% of the cost of collection and disposal.

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- c) All solid waste collected in the City of Lodi must go through a State licensed Material Recovery Facility.

So that there is standardization of charges for collection and disposal of commercial solid waste collected in roll-off boxes or collection that is out of the normal course of events, Council is asked to conduct a public hearing to consider adopting standardized rates for this service. Roughly 15 commercial customers in Lodi will be affected by these rates. This will be presented as a separate item.

Discussion followed with questions regarding the subject being directed to staff.

On motion of Council Member Sieglock, Pennino second, the City Council laid on the table the following ordinances:

- 1. Ordinance No. 1562 entitled, "An Uncodified Urgency Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.16 Relating to Industrial Waste Collection Monthly Rates";
- 2. Ordinance No. 1512 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.16 - Solid Waste - To Provide for the Addition of Industrial Refuse Service"; and
- 3. Ordinance No. 1513 entitled, "An Ordinance of the Lodi City Council Amending the City's Exclusive Franchise for Waste Disposal Service to include Industrial Waste".

Further, on motion of Council Member Sieglock, Hinchman second, the City Council set the following public hearings regarding the matter for December 16, 1992:

- 1. Public hearing to consider adopting an urgency ordinance amending commercial rates relating to 50 cubic yard roll-off boxes; and
- 2. Public hearing to consider introduction of an ordinance for regulating all industrial waste haulers.

APPOINTMENTS TO CITIZENS ADVISORY BOARD
TO REVIEW APPLICATIONS FOR RESIDENTIAL
REFUSE SERVICE/FEE ADJUSTMENTS

CC-2(r) On motion of Council Member Hinchman, Snider second, the City Council concurred with the appointments by the Mayor

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of Trella Arieda and Richard Warner to the Citizens' Advisory Board for the purpose of reviewing applications for residential refuse service/fees exemptions.

STANDARD PICKUP LOCATION FOR WASTE CART
RECEPTACLES ESTABLISHED

CC-22(b)

Assistant City Engineer Richard Prima advised the City Council that the Public Works Department met with Lodi Sanitary City Disposal Company and agreed upon the pickup locations for their new waste receptacles.

The operating procedures for this three-cart system that had to be considered in picking a location are as follows:

1. The 38-gallon trash container (nonrecyclables) will be picked up weekly. In most locations, this pickup will be fully automated using a truck with an extendable arm that can reach out 96 inches.
2. The 60-gallon recycling container will be picked up every other week. This container will be manually moved to the truck for dumping.
3. The 90-gallon yard and garden container will be picked up every other week alternating with the recycling container. This container will be manually moved to the truck for dumping.
4. Therefore, each week there will be two containers to be picked up, either the trash and recycling or the trash and yard-garden.
5. There must be a clear space of at least two to three feet around the refuse container to provide room for operation of the automatic arm.

In determining the proper pickup location, the City had the following two major concerns:

1. That we did not block the sidewalk; and
2. That if the street was used that there was no conflict with our sweeping schedule.

The following four general locations were evaluated:

1. Immediately behind the back of sidewalk;
2. On the sidewalk at the back of sidewalk;

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3. In the street near the flow line of the curb; and
4. On the sidewalk at face of curb

The locations near the back of sidewalk were eliminated due to the liability of the extendable arm going out and crossing the sidewalk and the fact that, if there was a parked car near the cart location, the container may not be reached because of the 96-inch limitation on the arm.

Putting the pickup location in the street was eliminated because we could not coordinate the street sweeping schedule with the weekly pickup schedule. Our street sweeping schedule during non-leaf season is every twelve working days and during leaf season every ten working days. The other problem with the street location that we witnessed in other communities was that the carts are not always removed from the street on the day of pickup. This would increase the conflicts with street sweeping.

It was determined that the best location is in the existing driveway section at the face of the curb. This location provides for easy placement by the property owner and provides the pedestrian with the driveway area to walk around the cart which will be blocking a portion of the sidewalk. Where a parkway (lawn area between curb, gutter and sidewalk) exists, it is recommended the cart be placed at the curb in the parkway outside of the driveway limits. Most parkway areas exist in the older part of town and have a substandard width driveway. For this reason, staff recommended carts be placed outside the driveway limits.

It should be noted that these standard locations will be used as guidelines and there will be specific exceptions to these standards which will need to be worked out on an individual basis between the property owner and Sanitary City.

Exhibit 1 presented for Council's review indicated cart locations for the following four situations:

- Case 1 - Vertical curb
- Case 2 - Vertical curb with parkway
- Case 3 - Joint driveways
- Case 4 - Roll-type curb

Exhibit 2 presented for Council's review showed pictures of the carts under each of the four cases above.

A lengthy discussion followed with questions being directed to staff.

On motion of Council Member Snider, Pennino second, the City Council standardized the pickup location for Sanitary

Staff

City's new three-cart system as proposed by staff and stressed the need for built-in flexibility in the pickup program.

BUILDING PERMIT ALLOCATION SCHEDULE FOR 1992 APPROVED

CC-14 (g)
CC-33

Community Development Director Schroeder introduced the subject advising that at a Special Session on Monday, October 19, 1992 the Planning Commission recommended that the City Council adopt the 1992 Building Permit Allocation Schedule. These allocations recommended only single-family (i.e. low density) because no requests were received for medium or high density allocations. The Growth Management System carries the unallocated units forward to future years.

Since the City received requests for more allocations than were permitted (i.e. 462 requests and 259 allocations) the following should be noted.

1. The units requested in Century Meadows I are in Phase II of development.
2. Richards Ranch is not in the City and is not adjacent to a City limits line.
3. The Planning Commission's recommendation is based strictly on the point system. Century Meadows II and III received no allocation because the 259 units were gone before these projects were reached. However, they will be eligible in 1993 because Johnson Ranch II and Morimoto-Neuharth are completely allocated which accounts for 90 additional units.

Listed on the following page is the Development Plan Scoring Summary which was approved by the Planning Commission:

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Development Plan Scoring Summary

PROJECT	CRITERIA														TOTALS
	A	B	C	D1	D2	D3	D4	E**	F	G	H*	I	J	TOTALS	
LODI WEST	5	7	200	10	8	8	0	0	11	0	0	0	30	5	284
MORIMOTO/NEUHARTH	7	0	200	7	10	10	10	0	10	0	0	0	20	10	284
JOHNSON RANCH 2	5	0	200	5	10	8	10	0	10	0	0	0	20	10	278
CENTURY MEADOWS 4	3	5	200	3	10	8	4	0	10	0	0	0	25	10	278
TOWNE RANCH	7	7	200	10	8	10	0	0	8	0	0	0	25	0	275
CENTURY MEADOWS 2	3	0	200	3	10	8	4	0	10	0	0	0	25	10	273
CENTURY MEADOWS 3	3	0	200	3	10	8	4	0	10	0	0	0	25	10	273
RICHARD'S RANCH	0	0	200	0	0	0	0	0	0	0	0	0	20	10	230
CENTURY MEADOWS 1*	7	0	100	3	10	8	4	0	13	0	0	0	25	10	180

* ALLOCATIONS REQUESTED FOR PRIORITY AREA TWO.

** CRITERIA DOES NOT APPLY TO SINGLE-FAMILY PROJECTS

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Following discussion with questions being directed to staff, the City Council on motion of Council Member Snider, Hinchman second, approved the Building Permit Allocation Schedule for 1992 as recommended by the Lodi Planning Commission.

AGREEMENT BETWEEN CITY AND OWNERS OF PROPERTY
SOUTH OF HARNEY LANE WHICH WOULD INDEMNIFY THE
CITY AGAINST LOSSES INCURRED IN DEFENDING
COUNCIL'S DECISION TO ALLOW OVERSIZE SEWER
LINE APPROVED

CC-44
CC-51
CC-90

City Attorney McNatt advised the City Council that this matter involves the offer by owners of property south of Harney Lane to pay for oversizing of a sewer line which could ultimately serve their properties. An 8" sewer line is presently proposed for installation in conjunction with the Century Meadows project. The property owners have proposed increasing the line to 24" in order to provide capacity for their property when it develops at some future date.

At the October 21, 1992 meeting, the City Council directed staff to bring back an agreement between the property owners and the City to accomplish this, and to prepare appropriate environmental clearances. The negative declaration will be coming back to the Council for possible certification at the December 16, 1992 meeting.

The subject agreement reflects the previous discussions and agreements between the parties. Under this document, the property owners agree to do the following:

1. Pay directly to the Century Meadows developers all costs of oversizing the line;
2. Pay all costs to the City for engineering and other applicable fees for the oversizing project;
3. Pay all costs of oversizing the lift station, force main and collector lines at the time of construction, including any necessary redesign costs;
4. Defend and indemnify the City from any legal challenge to the oversizing project;
5. Dedicate all necessary easements for Harney Lane widening from Mills Avenue to the Southern Pacific Railroad right-of-way; and
6. Dedicate the lift station site and associated easements.

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In consideration, the City will consent to the size increase, and further agrees to consider a request at some future date for reimbursement of a portion of the cost. However, the City does not obligate itself by this agreement to approve such request.

The legal description for the easements and the lift station site are now being prepared and will, if Council approves, be attached to the executed agreement.

The City Attorney then recited proposed amended language that he proposes be included in the subject agreement

Following discussion, on motion of Mayor Pinkerton, Pennino second, the City Council approved the agreement between City and owners of property south of Harney Lane with amended language as outlined by the City Attorney which would indemnify the City against losses incurred in defending Council's decision to allow oversize sewer line.

REQUEST FOR DEVELOPMENT IMPACT MITIGATION
FEE WAIVER OR ADJUSTMENT AT 225 NORTH
GUILD AVENUE, LODI (APN 049-040-61) GRANTED

CC-16
CC-56

City Attorney McNatt reminded the City Council that at the meeting of October 21, 1992, the City Council was asked by Civil Engineer Cecil Dillon to consider an adjustment or waiver of Development Impact Mitigation fees on the Teresi property, a five-acre parcel at the southwest corner of Victor Road (Highway 12) and Guild Avenue. Specifically, Mr. Dillon felt it was equitable to apply the fees in place prior to adoption of Ordinance 1526 because the City had prior to that time approved the deferral of the storm drain fees on the parcel by letter of October 25, 1990.

As the Council will recall, at the time Ordinance 1518 was adopted, there was a lengthy discussion of how vacant parcels with frontage improvements already in were to be treated. It was decided that there might be some circumstances in which exemptions were appropriate, and these situations should be considered per Lodi Municipal Code Section 15.64.110 et seq. The major considerations discussed at that time were regarding "projects in progress" in which substantial investment and approvals had been made, and that no further approvals except a building permit were required. Council then modified Ordinance 1518 with Ordinance 1526 providing exemptions for "projects in progress".

If the City Council wishes to grant the request, it is necessary under LMC Section 15.64.130 to prepare written findings, identifying the basis upon which the request is made and the circumstances justifying the granting of the

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exemption. Should the Council wish to grant the request, the following language may be used:

"The City Council hereby finds and declares that it is appropriate to impose upon the subject parcel only those fees in place prior to adoption of Ordinance 1518 because:

1. At the time of adoption of Ordinance 1526, the subject parcel met the requirements of Section 15.64.110(E)(2);
2. The letter from Assistant City Engineer Richard Prima to Dillon Engineering dated October 25, 1990, granting a deferral of storm drainage fees until building permits were issued, implies a preexisting waiver of the additional fees imposed by Ordinance 1518; and
3. In order to meet the conditions for exemption found in Lodi Municipal Code Section 15.64.110(E)(1), the owner of the parcel shall, within thirty days from the date of this approval, pay all fees which would have been due prior to adoption of Ordinance 1518."

To the best of staff's knowledge, only one other parcel meets these exact circumstances. That parcel is APN 049-040-57, 1371 East Pine Street, which was split as part of the Teresi project on the west side of Guild Avenue. Note that the October 25, 1990 letter was copied to Mr. Ted Molfino, the property owner and joint developer of this project with Mr. Teresi. If Council wishes to approve this request, it should apply to that parcel as well.

Following discussion, on motion of Mayor Pro Tempore Pennino, Pinkerton second, the City Council approved Development Impact Mitigation Fee waiver for parcel located at 225 North Guild Avenue (APN 049-040-61) and Parcel located at 1371 East Pine Street (APN 049-040-57), with findings.

TRUCK PARKING ON RESIDENTIAL STREETS

CC-45(i) Staff presented the following report regarding truck parking on residential streets:

At the October 21, 1992 meeting, City Council received a written complaint from a citizen regarding truck and trailer parking on City streets at night and on weekends. The concerns expressed in this letter are as follows:

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- ~ Truck parking should be allowed only while deliveries are being made
- ~ Streets are too narrow to allow truck parking
- ~ Eliminate truck parking on residential streets
- ~ Need for weight limits on all noncommercial streets
- ~ Local trucking companies should provide private parking facilities
- ~ Aesthetics

Locations specifically indicated in the letter as areas where truck parking is occurring are Keagle Way, Mills Avenue at Tokay Street and Turner Road at Woodhaven Lane.

The City's existing truck parking ordinance is designed to prohibit truck parking in residentially zoned areas except while in the process of being loaded or unloaded. Of the three areas indicated by the complainant, truck parking is legal only at the nonresidential areas adjacent to the intersection of Turner Road and Woodhaven Lane. Truck parking on Keagle Way and on Mills Avenue at Tokay Street is illegal under our existing ordinance.

The Public Works Department is currently in the process of reviewing the City's truck parking ordinance. We are working with the Chamber of Commerce to hold more informal meetings before the matter is brought back to the Council. With Council's approval, staff would like to address the concerns listed in this memo when the entire problem is reviewed early next year.

On motion of Council Member Sieglock, Hinchman second, the City Council deferred action on the matter at this time.

REQUEST TO TRANSFER \$12,000 FROM THE
 LODI LAKE PARK SPECIAL REVENUE ACCOUNT (122)
 TO THE CAPITAL IMPROVEMENT FUND (121) TO
 ADDRESS THE RE-CONTOURING OF LODI LAKE
 AND TO LOCATE AN ACCESS POINT TO THE WEST
 13 ACRES OF LODI LAKE PARK

CC-27(c)

The City Council was advised that for the past ten years, we have experienced a gradual and steady silting buildup of our lake bottom at Lodi Lake Park resulting in the following conditions:

1. Lake has become extremely shallow;
2. Due to shallow water, we have seen an increase in the growth of noxious aquatic grasses and weeds;
3. Because of the shallow and warm water, the water quality has diminished.

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To address the situation, it is staff's opinion that we must re-contour and deepen Lodi Lake if we are to maintain this body of water as a recreation facility. Meetings have been held on this subject with the City Manager, Public Works Director, Community Development Director and Parks and Recreation staff attending. They all agree that something must be done and it is imperative that we move as quickly as possible. Therefore, the transfer of the \$12,000 would allow us to expend \$10,000 for an engineering study to address the deepening and re-contouring of Lodi Lake and \$2,000 would begin to address the access to our undeveloped 13-acre parcel on the west side of Lodi Lake. The consensus of City staff was the \$2,000 would be enough to acquire the land needed to provide access to this area.

On motion of Council Member Sieglock, Hinchman second, the City Council approved the transfer of \$12,000 from the Lodi Lake Park Special Revenue Account (122) to the Capital Improvement Fund (121); to address the re-contouring of Lodi Lake and to locate an access point to the west 13 acres of Lodi Lake Park.

1992/93 OPERATING BUDGET (LIBRARY) ADOPTED

RESOLUTION NO. 92-185

CC-21(b)
CC-29
CC-300

The City Council was advised that at its regular meeting of Wednesday, November 4, 1992 the City Council adopted the final 1992-93 Operating Budget as amended by expenditure reduction, with the exception of the Library. City staff requested additional time to present an alternate revenue reduction formula for the Library to ease the impact on that department. This revised amount was reviewed with the City Council and the President of the Library Board of Trustees at the "Shirtsleeve" meeting of Tuesday, November 10, 1992.

On motion of Council Member Snider, Sieglock second, the City Council adopted Resolution No. 92-185 adopting the final phase of the 1992-93 Operating Budget providing for a reduction in the Library revenues of \$21,500 and including funding in the amount of \$2700 for the Lodi Downtown Business Association for Christmas decorations in the downtown area.

ORDINANCES

There were no ordinances listed on the agenda for adoption.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 10:50 p.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche, City Clerk