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CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 16, 1992
7:30 P.M.

ROLL CALL Present: Council Members - Davenport, Mann,
Sieglock, Snider, and Pennino (Mayor)
Absent: Council Members - None
Also Present: City Manager Peterson, Assistant City
Manager Glenn, Community Development
Director Schroeder, Public Works Director
Ronsko, Assistant City Engineer Prima, City
Attorney McNatt, and City Clerk Reimche

INVOCATION The invocation was given by Pastor Skip Suess, Vinewood
Community Church.

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

PRESENTATIONS There were no awards or proclamations.

GIFTS TO MAYOR'S ANNUAL CHILD SHARE
PROGRAM GIVEN BY MEMBERS OF CITY
BOWLING LEAGUE

Dolly Burcham and Rod Quinones advised the City Council
that members of the various City Bowling Leagues had
donated over 600 toys toward the Mayor's Annual Child Share
Program.

COMMENTS BY THE PUBLIC ON MATTERS LISTED
ON THE CONSENT CALENDAR

There were no persons wishing to address the City Council
under this segment of the agenda.

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

The following items were removed from the Consent Calendar
and discussed and acted upon at a later segment of the
agenda.

- a) Agenda item #F-1 entitled, "Claims -
\$1,441,066.66"; (Removed by Council Member
Davenport);
- b) Agenda item #F-7 entitled, "Specifications
and advertisement for bids for 20 tons of
turf fertilizer for the Parks Department";
(Removed by Council Member Mann);

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- c) Agenda item #F-11 entitled, "Findings for exemption under Public Resources Code"; and (Removed by Council Member Sieglock);
- d) Agenda item #F-12 entitled, "Resolution amending reorganization Resolution Nos. 91-207, 92-16 and 92-54 (Towne Ranch, Robert Batch and Century Meadows) indicating that the City of Lodi does not succeed to the Williamson Act Contract". (Removed by Council Member Davenport);

* * * * *

CLAIMS CC-21(a) Claims were approved in the amount of \$1,441,066.66.

(This item was removed from the consent calendar and discussed and acted upon under another segment of the agenda.

Following discussion, on motion of Council Member Snider, Sieglock second, the City Council approved the claims as presented.

MINUTES The Minutes of the November 18, 1992 Regular Meeting were approved as written.

AMENDMENT TO CITY OF LODI DEFERRED COMPENSATION PLAN AS IT PERTAINS TO WITHDRAWALS BY RETIRED EMPLOYEES

RESOLUTION NO. 92-190

CC-34 The City has had a deferred income plan since 1977. Since CC-300 that time many employees have retired. Our plan does provide a great deal of flexibility until an employee begins receiving benefits. Once he/she retires they are locked into the choices they made upon retiring.

The Deferred Compensation Committee recognizes that after retirement, needs change and the retiree may have bona fide reasons to change the method of distribution.

Internal Revenue Service (IRS) regulations will not allow changes at the request of the employee as that would be considered "constructive receipt" and would subject all monies in the plan to be subject to taxation.

IRS has no problem with an employee receiving all his funds as they will be subject to tax at that time.

Therefore, the committee recommends a change in our plan which clarifies the right of a person to receive those funds at anytime.

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The City Council adopted Resolution No. 92-190 entitled, "A Resolution of the Lodi City Council Amending the City of Lodi Deferred Compensation Plan as It Pertains to Withdrawals by Retired Employees".

PLANS AND SPECIFICATIONS AND ADVERTISEMENT
FOR BIDS FOR CHEROKEE LANE/HALE ROAD TRAFFIC
SIGNAL AND LIGHTING INSTALLATION AND CONCRETE
CURB, GUTTER AND SIDEWALK INSTALLATION

CC-12.1(c) The City Council approved the plans and specifications for bids for Cherokee Lane/Hale Road traffic signal and lighting installation and concrete curb, gutter and sidewalk installation and authorized advertising for bids.

The City Council was advised that at its April 1, 1992 meeting, it adopted Resolution No. 92-55 authorizing funding, approving an amendment to the Transportation Improvement Plan and directing City staff to proceed with the traffic signal and lighting installation at the intersection of Cherokee Lane and Hale Road. Plans and specifications have been prepared by City staff and have been reviewed and approved by Caltrans. Since this project is funded with Federal Transportation funds, this additional review was necessary.

In order to provide controlled access to this intersection and coordinate vehicle flow, construction of curb, gutter and alley approaches are necessary. Also, to improve pedestrian access (which is the primary purpose of installing the signal), sidewalk and handicap ramps are being installed. At the Star Market, this will mean the displacement of six nonstandard diagonal parking stalls which were marked within the public right of way.

Staff has met with the owner of the property and his attorney. The project was described to them, and that it is being done by the City at no cost to the owner even though, under the Streets and Highways Code, the City could require the owner to pay for the sidewalk. Apparently, the owner has a parcel immediately west of the market and is considering expanding the parking lot. Staff offered to assist in doing a layout but declined a request to pay for the expansion.

Staff also reviewed this project with the Cherokee Lane Improvement Committee/Chamber of Commerce at their December 3 meeting. The consensus of the group was that the City should proceed with the project as proposed by staff.

This project is primarily funded (\$100,000) with Federal Transportation funds. With the additional concrete work, additional local funds will be needed. At the time of award, staff will recommend specific appropriations for

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this additional work. We intend to recommend Measure K funds for the concrete replacements and Hotel/Motel Tax Fund (Transient Occupancy Tax) funds for the new sidewalk (approximately \$18,000).

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS
FOR 1993 MISCELLANEOUS CONCRETE WORK

CC-12.1(c) The City Council approved the specifications for 1993 Miscellaneous Concrete Work and authorized advertising for bids thereon.

The City Council was advised that this project will provide the City with an annual unit price bid for removing and replacing minor sections of curb, gutter and sidewalk in various locations throughout the City. The work will be divided into purchase orders which will be under \$1,000 in most cases.

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS
FOR 1993 SIDEWALK REPAIR PROGRAM

CC-12.1(c) The City Council approved the specifications for the 1993 Sidewalk Repair Program and authorized advertising for bids thereon.

The City Council was advised that this project will be used to continue the City's sidewalk repair program. Sidewalks damaged by City trees and having a vertical offset between 2 inches and 4 inches will be removed and replaced. This program has already repaired sidewalks with vertical offsets greater than 4 inches. The work will be divided into purchase orders ranging from \$4,000 to \$10,000.

SPECIFICATIONS AND ADVERTISEMENT FOR BIDS
FOR TEN TONS OF TURF FERTILIZER FOR
THE PARKS DEPARTMENT APPROVED

CC-12.1(c) The City Council was advised that each year the Parks Department purchases fertilizer for use on the City's 208 acres of parks. Experience has shown that Best "Turf Gold" yields a lower annual cost per acre due to a longer nitrogen release time, requiring fewer applications per year, than a water-soluble or agricultural blend fertilizer.

Further, the City Council was advised we have an increasing demand for use of our parks for high intensity sporting events such as softball, football and soccer. In order to provide a safe playing surface it is our responsibility to provide a healthy turf.

The need for maintenance of our playing fields has in the past been met by providing a turf maintenance program. It is well recognized that a turf maintenance program requires

certain basic elements. These elements are described in various publications. One such publication is the University of California's document titled Turfgrass Pests, Publication 4053.

In the chapter "Weed Control in Large Turf Areas" the following statements give the basic elements of a good turf management program:

"Irregular areas or patches of weeds that result from poor management make a turf unattractive and reduce its utility. A thick vigorous, and competitive turf will resist any invasion of weeds. Overwatering, or underwatering, mowing too low or too high, low fertility, excessive wear, disease or insect damage, soil compaction, excessive shading - each one allows weeds to invade turf."

In the chapter insects and related pests, the subject of fertilization is addressed once more:

"The first line of defense against insect pests is a program combining good cultural practices (watering, mowing, fertilization, aeration, and thatch control)... Poorly depth turf shows pest injury sooner and recovers more slowly than vigorous, well kept turf. Good fertilization, watering, and aeration programs cannot be over emphasized. Healthy, vigorous turf can out grow the effects of an infestation, while poor growing conditions will result in more severe damage and slower recovery. In addition, the healthier the turf is, the fewer insecticide treatments will be required--if any are needed at all".

In the chapter on fungal diseases the need for fertilization is once again stressed:

"Recommended cultural practices such as mowing, fertilization, irrigation, aerification, and the like will help prevent diseases by maintaining a vigorous growing turf. A properly maintained turf generally sustains less severe damage from diseases and is able to recover more quickly than one that is poorly managed".

It should be noted that we have already reduced our fertilization program by 50%. To reduce our fertilization program further would be a false economy because of all the

reasons stated by the University of California publication. As you know our turf is currently impacted by increased programming. Without a healthy growing turf our play fields will be worn down and soon we will be providing a patchy uneven surface for our kids to play on. The problems poorly maintained turf causes injuries and the increased cost of turf maintenance makes fertilizer a good insurance policy for the City.

(This item was removed from the Consent Calendar and discussed and acted upon under another segment of the agenda.)

Discussion followed with questions being directed to Scott Essin, Parks Superintendent.

On motion of Mayor Pro Tempore Sieglock, Snider second, the City Council approved specifications and authorized advertisement for bids for 10 tons of turf fertilizer for the Parks Department which material is to be used on fields receiving the most play.

SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR REQUEST FOR PROPOSALS FOR EMPLOYEE ASSISTANCE PROGRAM APPROVED

CC-34 The City Council approved specifications and authorized advertisement for Requests for Proposals for the Employee Assistance Program.
CC-12.1(c)

The City Council was advised that the City's current contract with Family Services Agency will be expiring in February of 1993. The City has not gone out to bid for Employee Assistance Program Services for approximately ten years. Because of the increasing importance of this program to the City, staff would like to evaluate all available Employee Assistance Programs in this area to determine who can provide us with the most responsive and cost effective services.

ACCEPTANCE OF IMPROVEMENTS UNDER WELL 24 CHAIN LINK FENCE, 640 NORTH STOCKTON STREET (NORTH OF GRAPE BOWL STADIUM)

CC-90 The City Council accepted the improvements under the "Well 24 Chain Link Fence, 640 North Stockton Street (North of Grape Bowl Stadium)" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The City Council was advised that the contract to Economy Fence of Stockton was signed by the City Manager on October 12, 1992 in the amount of \$6,392.48. The contract has been

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completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was November 24, 1992, and the actual completion date was November 13, 1992. The final contract price was \$6,781.37. The difference between the contract amount and the final contract price is mainly due to minor differences between the bid item quantities and the actual construction quantities.

ACCEPTANCE OF IMPROVEMENTS UNDER LANE
LINE PAINTING, VARIOUS STREETS, 1992

CC-90 The City Council accepted the improvements for "Lane Line Painting, Various City Streets, 1992" and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

The contract was awarded to Traffic Limited, Lodi on October 21, 1992, in the amount of \$18,788.34. The contract has been completed in substantial conformance with the specifications approved by the City Council on September 16, 1992.

The contract completion date was November 30, 1992.

FINDINGS FOR EXEMPTION UNDER PUBLIC
RESOURCES CODE

CC-6 The City Council was advised that on October 21, 1992, the
CC-22(b) City Council adopted rates for residential and commercial
CC-56 solid waste collection in the City of Lodi. It has been called to staff's attention that findings should have been included in the record of this proceeding claiming an exemption under Section 21080(b) of the Public Resources Code. Section 21080(a) indicates that preparation of environmental impact reports apply to discretionary projects proposed to be carried out or approved by public agencies. Section 21080(b) states, "This division shall not apply to the following: (8) The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies . . ." To claim this exemption, the City has prepared findings stating the basis for the claim.

(This agenda item was removed from the Consent Calendar and discussed and acted upon another segment of the agenda.)

Following discussion on motion of Council Member Snider, Mann second, the City Council adopted the following findings to be incorporated in the record of proceedings at its October 21, 1992 meeting:

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The City Council of the City of Lodi hereby finds and declares pursuant to Public Resources Code Section 21080 that the refuse collection rates established in Ordinances 1558 and 1559 are necessary and reasonable for the usual operating expenses of the Franchisee, including employee wages and benefits and for the purpose of purchasing facilities, equipment, and materials necessary to implement and carry out a Council-mandated recycling program.

Mayor Pro Tempore Sieglock asked that the record show that he was not compromising his position as reflected on his vote on the adoption of Ordinance No. 1558 and 1559 in voting in favor of this matter.

RESOLUTION AMENDING REORGANIZATION
RESOLUTION NOS. 91-207, 92-16 and 92-54
(TOWNE RANCH, ROBERT BATCH AND CENTURY
MEADOWS) INDICATING THAT THE CITY OF
LODI DOES NOT SUCCEED TO THE WILLIAMSON
ACT CONTRACT ADOPTED

RESOLUTION NO. 92-192

CC-6
CC-8(a)
CC-300

The City Council was advised that at the time the present or past owners of the Towne Ranch, Robert Batch and Century Meadows Unit No. 3 projects applied for a Williamson Act contract with San Joaquin County, the City of Lodi protested the contract. By protesting the contract, it becomes cancelled upon annexation and the property owner pays no penalties.

A Williamson Act contract affords the agricultural property owner a property tax savings on the agricultural portion of the property. The contract is for ten years and self-renews annually until the owner indicates he does not wish to renew. If the contract is cancelled during its life, the property owner must pay penalties.

Although the City's protests of the contracts are of record, two title companies feel our Resolution of Reorganization (i.e. annexation) should indicate that the City does not succeed to the Williamson Act contract.

It should be noted that Jerry Scott, Executive Officer, San Joaquin Local Agency Formation Commission, indicates that the County Assessor has already cancelled the contract in conformance with law.

(This item was removed from the Consent Calendar and discussed and acted upon under another segment of the agenda.)

On motion of Council Member Davenport, Sieglock second, the City Council adopted Resolution No. 92-192 entitled, "A

Resolution of the Lodi City Council Amending Reorganization Resolution Nos. 91-207, 92-16 and 92-54 (Towne Ranch, Robert Batch and Century Meadows) Indicating that the City of Lodi Does Not Succeed to the Williamson Act Contract".

COMMENTS BY CITY COUNCIL MEMBERS

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

TOWN HALL MEETING PROPOSED TO ADDRESS POSSIBLE SEVERE BUDGET CUTS

CC-6 Council Member Snider proposed that during the coming months a series of Town Hall Meetings be held to address the challenges facing the Lodi City Council regarding possible severe budget cuts. The series of meetings would be dedicated to the various departments of the City with input also coming from the various City Boards and Commissions.

MAYOR PRO TEMPORE SIEGLOCK CONGRATULATES INCOMING AND OUTGOING OFFICERS OF THE LODI DISTRICT CHAMBER OF COMMERCE

Mayor Pro Tempore Sieglock congratulated Ray Hirning on being elected the new President of the Lodi District Chamber of Commerce.

Further Mr. Sieglock thanked outgoing President Evelyn Olson for her untiring efforts.

S.T.A.R.R.S. PROGRAM

Mayor Pro Tempore Sieglock commended staff on their efforts regarding the S.T.A.R.R.S. Program.

POLICE DEPARTMENT COMMENDED

Mayor Pro Tempore Sieglock commended the Lodi Police Department following receipt of a letter from a property owner expressing appreciation for the Police Department's efforts regarding his property.

COMMENTS RECEIVED REGARDING NATIONAL LEAGUE OF CITIES CONGRESS OF CITIES AND EXPOSITION

Mayor Pro Tempore Sieglock commented on the National League of Cities Congress of Cities and Exposition that he and other members of the City Council recently attended.

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LODI BOYS AND GIRLS CLUB FUND RAISING SUCCESS

Mayor Pro Tempore Sieglock talked about the recent fund raising successes of the Lodi Boys and Girls Club and expressed sincere appreciation to Fred Weybret for his family's most generous contribution to the Club.

PROPOSED PERIODIC MEETINGS TO BE HELD ON EAST SIDE OF TOWN

CC-6 Council Member Steve Mann suggested that the City Council hold periodic meetings on the east side of town in a certain designated area such as a school facility.

BUDGET REVIEWED COMMISSION PROPOSED

CC-6 Council Member Mann suggested that a Budget Review Commission be formed as he would like to afford the citizens of this community an opportunity for input into this process.

COUNCIL MEMBER DAVENPORT PROPOSES JOINT MEETINGS OF YOUTH ORGANIZATIONS

CC-6 Council Member Davenport suggested that a joint meeting of the Booster of Boys and Girls Sports and other like organizations be held.

CITIZENS APPLAUDED FOR ATTENDING DECEMBER 15, 1992 SHIRTSLEEVE SESSION REGARDING REFUSE COLLECTION SERVICE

Council Member Davenport thanked the many citizens that came to the December 15, 1992 Shirtsleeve Session regarding refuse collection service.

FULL COUNCIL INVOLVEMENT IN APPOINTMENT PROCESS OF VARIOUS CITY BOARD AND COMMISSION MEMBERS PROPOSED

CC-2(a) Council Member Davenport suggested that City Council
CC-6 Members be involved in the appointment process of various City Boards and Commission Members.

REQUEST FOR REGULAR GANG TASK FORCE UPDATES

CC-2(g) Council Member Davenport requested that a report by the Gang Task Force be listed on each future agenda.

HOLIDAY GREETINGS EXTENDED TO CITIZENS OF THIS COMMUNITY

Mayor Pennino extended holiday greetings to all citizens of this community.

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 TRAFFIC
PROBLEMS ON EAST CENTURY BOULEVARD

CC-16 Don Soars, 359 East Century Boulevard, Lodi expressed
CC-48(a) concerns regarding the opening of East Century Boulevard
and traffic problems being encountered. Staff was directed
to look into the matter.

REFUSE RATES AND SERVICE

CC-22(b) The following persons addressed the City Council regarding
concerns regarding refuse rates and service:

- a) Clayton Henson, 520 East Lodi Avenue, Lodi;
- b) Earl Castle, 212 Eden Street, Lodi; and
- c) Curtiss Jenkins, 1537 Fawnhaven Way, Lodi.

Other persons addressing the City Council concerning
matters regarding garbage rates, services etc. were:

- 1) Irene Peterson, 241 Watson, Lodi; and
- 2) Adam Dados, 1101 Junewood Drive, Lodi.

FREE DIAL-A-RIDE TICKETS FOR NEW YEARS' EVE

CC-50(b) It was announced that free Dial-A-Ride tickets would be
available for New Years Eve until 3:00 a.m.

GANG TASK FORCE UPDATE GIVEN

Virginia Lahr, 311 East Elm Street, Lodi gave an update on
the work of the Gang Task Force.

QUESTIONS POSED REGARDING THE DELAY IN
OPENING OF HALE PARK

CC-16 Virginia Lahr, 311 East Elm Street, Lodi questioned the
CC-27(c) City Council regarding the delay in opening Hale Park.

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 Pennino called for the Public Hearing
to consider the application of Super Cab, P. O. Box 45, Rio
Vista, California to operate a taxi service within the City
of Lodi.

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SUPER CAB AUTHORIZED TO OPERATE A TAXICAB SERVICE IN THE CITY OF LODI

RESOLUTION NO. 92-191

CC-33
CC-300

The City Council was advised that an application to operate a taxicab service within the City of Lodi had been received from Super Cab, P.O. Box 45, Rio Vista, Ca. The application has been reviewed and contains all information required under Section 5.24.210 of the Lodi Municipal Code. Pursuant to the Code, the City Clerk set this matter for public hearing for the December 16, 1992 Council meeting. The public hearing has been advertised pursuant to law, and an affidavit of publication is on file in the City Clerk's office. The applicants have been duly notified of the date and time of the hearing.

The Lodi Municipal Code specifies that, at the time set for the hearing regarding the application for such a permit, the City Council may examine the applicant and all persons interested in the matter set forth in the application and shall determine whether or not the public interest, convenience, and necessity require the issuance of the permit applied for. If it is found by the City Council that the public interest, convenience, and necessity require the issuance of the permit applied for, it shall by resolution order the City Clerk to issue a permit.

The code further provides that before a permit is issued by the City Clerk, the applicant to whom a permit has been awarded by the City Council shall deliver to the City Clerk a policy of insurance with appropriate limits and naming the City as additional insured. The applicants have indicated that they would be able to meet this requirement if granted the permit.

If granted the permit, it will also be necessary for the applicants to obtain driver permits from the Chief of Police prior to being issued a permit to operate this service. The applicants are aware of this requirement.

The applicant Lorraine Marshall, P. O. Box 45, Rio Vista addressed the City Council regarding her application and responded to questions as were posed by members of the City Council.

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

Following discussion, on motion of Council Member Davenport, Sieglock second, the City Council adopted Resolution No. 92-191 ordering the City Clerk to issue a permit to Super Cab, P. O. Box 45, Rio Vista, California to

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operate a taxicab service within the City of Lodi contingent upon receipt of the appropriate certificate of insurance.

PUBLIC HEARING REGARDING COST OF ABATING WEEDS

RESOLUTION NO. 92-193

CC-24 (b)
CC-300

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing pursuant to Government Code Section 39576 to receive a report of the cost of abating weeds in front of or on each separate parcel of land where the work was done by the City of Lodi.

The City 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:

<u>Amount</u>	<u>Address</u>	<u>Assessor Parcel No.</u>
\$145.00	713 South Sacramento Street, Lodi	045-240-07
\$100.00	811 South Pleasant Avenue, Lodi	045-180-19
\$120.00	404 Flora Street, Lodi	047-342-02
\$130.00	706 Garfield Street, Lodi	047-323-03

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 bill levied against the parcel for municipal purposes.

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

Following discussion, on motion of Mayor Pro Tempore Sieglock, Mann second, the City Council adopted Resolution No. 92-193 entitled, "Resolution Confirming the Cost of

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Weed Abatement for 1992 and Providing for Collection". The subject parcels involved and the cost of abatement are listed below:

713 South Sacramento Street, Lodi Assessor Parcel No. 045-240-07	\$145.00
811 South Pleasant Avenue, Lodi Assessor Parcel No. 045-180-19	\$100.00
404 Flora Street, Lodi Assessor Parcel No. 047-342-02	\$120.00
706 Garfield Street, Lodi Assessor Parcel No. 047-323-02	\$130.00

RECESS The Mayor declared a five-minute recess and the City Council reconvened at 9:10 p.m.

CONSIDERATION OF ORDINANCE REGARDING THE
REGULATING OF ALL INDUSTRIAL WASTE HAULERS
CONTINUED

CC-22 (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 Pennino called for the Public Hearing to consider introduction of an ordinance regarding the regulating of all industrial waste haulers.

The City Council was reminded that at its regular meeting of November 4, 1992, City Council considered the adoption of ordinances which would have established industrial rates and industrial refuse collection as a service which must be provided by the City's contract waste hauler. At its meeting of November 18, 1992, Council tabled these ordinances in favor of considering the introduction of Ordinance No. 1561 regarding the regulating of all industrial waste haulers.

Ordinance No. 1561 does not restrict industrial refuse collection to the City's franchisee. Any private hauler may collect industrial waste in Lodi. This ordinance does impose the costs of a) a permit b) a 4% franchise fee, and c) materials recovery facility processing, on any hauler. These same costs are imposed on California Waste Removal Systems when it hauls industrial refuse.

Kevin Van Steeberge of Lodi Iron Works (and a member of the Solid Waste Management Task Force) has been an outspoken opponent of the industrial ordinances prepared on this issue. He now indicates he appreciates the option to choose an alternate waste collection firm, if he desires, as provided for in this ordinance. Ordinance No. 1561 was presented to Council for their consideration.

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Addressing the City Council regarding the matter was Kevin Van Steenberge, Lodi Iron Works.

Discussion followed with questions being directed to staff.

It was suggested that owners of businesses be able to dump their own industrial waste and that fees should be waived in this situation.

It was also suggested that information be obtained regarding industrial refuse collection fees in surrounding areas.

It was the tacit concurrence of the City Council that this matter be continued to the Regular Meeting of January 6, 1993.

URGENCY ORDINANCE ADOPTED AMENDING COMMERCIAL
RATES RELATING TO 10 TO 50 CUBIC YARD ROLL-OFF BOXES

URGENCY ORDINANCE NO. 1563 ADOPTED

CC-22(b)
CC-149

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider adopting an urgency ordinance amending commercial rates relating to 10 to 50 cubic yard roll-off boxes.

The City Council was reminded that at its regular meeting of November 4, 1992, City Council considered the adoption of ordinances which would have established industrial rates and industrial refuse collection as a service which must be provided by the City's contract waste hauler. At its meeting of November 18, 1992, Council tabled these ordinances in favor of considering the introduction of Ordinance No. 1561 regarding the regulating of all industrial waste haulers.

Although rates have been established for the collection of 1 to 6 cubic yard commercial bins, this course of events has prevented the City from establishing rates for 10 to 50 cubic yard roll-off boxes. Nevertheless, the City is responsible for regulating solid waste collection rates for commercial customers. California Waste Removal Systems indicates there are roughly 15 commercial customers in the City who use, or often use, large roll-off boxes. So that there is standardization of charges for collection and disposal of commercial solid waste collected in roll-off boxes on extra large commercial loads Council was asked to conduct a public hearing to consider adopting standardized rates for this service.

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

On motion of Mayor Pennino, Mann second, the City Council adopted Urgency Ordinance No. 1563 entitled, "An Uncodified Urgency Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.16 Relating to Commercial 10 to 50 Cubic Yard Roll-Off Boxes" and approved adding the findings for exemption under Public Resources Code to the draft ordinance as outlined in Agenda item #F-11.

NEGATIVE DECLARATION BY THE COMMUNITY
DEVELOPMENT DIRECTOR CERTIFIED AS ADEQUATE
ENVIRONMENTAL DOCUMENTATION FOR SOUTH LODI
SANITARY SEWER LINE EXPANSION AND LIFT STATION

CC-44
CC-51(a)

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 certifying the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation for South Lodi Sanitary Sewer Line Expansion and Lift Station.

The City Council was advised that at its October 21, 1992 meeting when the City Council instructed the City Attorney to prepare an agreement with the property owners for the South Lodi Sanitary Sewer and Lift Station, it also asked the Community Development Department to prepare a Negative Declaration for the project.

Community Development Director Schroeder reminded the City Council that the only remaining steps in the Negative Declaration process are (1) to conduct a public hearing and (2) to certify the Negative Declaration.

Addressing the City Council speaking in favor of the certification of the Negative Declaration was Mr. Tom Terpstra, Attorney-at-Law, Neumiller and Beardslee, A Professional Corporation, Stockton, California representing the proponents of the matter and Steve Pechin, Baumbach and Piazza, 501 Black Oak Way, Lodi.

Speaking in opposition to the matter was Mr. John Eilers, Land Utilization Alliance, 21355 Walnut Drive, Linden, California.

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

Following discussion with questions being posed to staff and to those persons who had given testimony, the City Council on motion of Council Member Snider, Sieglock second, certified the filing of a Negative Declaration by the Community Development Director as adequate

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environmental documentation for South Lodi Sanitary Sewer and Lift Station.

RESOLUTION ADOPTED ESTABLISHING THE ALIGNMENT
OF A COLLECTOR STREET APPROXIMATELY 500 FEET
NORTH OF KETTLEMAN LANE BETWEEN LOWER
SACRAMENTO ROAD AND THE WOODBRIDGE
IRRIGATION DISTRICT CANAL

RESOLUTION NO. 92-194

CC-45 (a) Council Member Snider asked to abstain from discussion and
CC-300 voting on the following matter because of a possible
conflict of interest.

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 Planning Commission's recommendation that the City Council adopt a resolution establishing the alignment of a Collector Street approximately 500 feet north of Kettleman Lane between Lower Sacramento Road and the Woodbridge Irrigation District Canal.

The staff report was presented by Assistant City Engineer Richard Prima who advised the City Council that the City's Street Master Plan, adopted by the City Council in 1992, includes a collector street located north of Kettleman Lane (Highway 12), between the commercial developments on the northeast corner of Kettleman Lane and Lower Sacramento Road, extending east and south to Kettleman Lane at the parcel located at the WID Canal. The narrative accompanying the Master Plan contained the following comments on this street:

A major collector parallel to and north of Kettleman Lane (Highway 12) east and west of Mills Avenue - This street serves a number of purposes. The General Plan calls for commercial (shopping center) development on the northeast corner of Kettleman Lane and Lower Sacramento Road and a 300-foot deep strip of office/professional along the north side of Kettleman Lane east to the WID Canal. This high-intensity use at the intersection and the strip along Kettleman Lane creates access problems on the State Highway. Caltrans will only allow limited access to Highway 12. Eventually, Kettleman Lane will need a median prohibiting free left-turn access. A traffic signal is needed to accommodate the heavy volumes at the new Wal-Mart shopping center and the planned center on the north side of Highway 12. Caltrans will only consider a signal if it is located at a public street. Thus, the proposed public street will connect to Highway 12 midway between Lower Sacramento Road and Mills Avenue opposite the Wal-Mart

driveway and provide signalized access for both shopping centers and the offices further east. The east-west street will also serve as a buffer between the office development and the planned residential development to the north.

The exact alignment of this street can vary with the development plans for the area. The key issue is that the street provides alternate access to Kettleman Lane for the office/professional uses on the north side.

The Master Plan only provided conceptual guidance as to the location of the street. With the proposed Target development and church project located on Kettleman Lane, the precise location of this street needs to be determined, at least at those locations. Due to the irregular nature of the north property lines of the parcels fronting Kettleman Lane, some curvature or angling of the street will be needed to accommodate these parcels. Also, due to curve radius and other street design requirements, splitting of parcels will be necessary.

On October 20, 1992, an informal meeting between City staff and the property owners in the area was held at the Carnegie Forum. The meeting was attended by over 20 persons, either property owners or their representatives, covering nearly all the affected parcels. Staff explained the need for the street and the reasons for the proposed alignment. That proposal called for the street to be located approximately 300 feet north of Kettleman Lane, corresponding to the depth of the planned office development per the General Plan. It was explained that the street would be built by developers as the adjacent parcels are developed although there could be circumstances in which condemnation might be necessary.

The overwhelming consensus of those present was that the street be moved approximately 200 feet further north to accommodate the existing parcel lines.

In addition to the meeting, staff has spoken with other property owners who were present, including the developers of the Target project. They have been very cooperative and have redesigned their project to accommodate moving the street.

On November 9, 1992, the Planning Commission conducted a public hearing on the proposed alignment and recommended Alternate 2 to the City Council. Staff supports this recommendation and asks that the City Council adopt the plan shown in Exhibit B which is Alternate 2 of Exhibit A which was presented for City Council review. Staff also recommended that the resolution allow the alignment to be modified by the Planning Commission as part of the development approval process of adjacent properties

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provided that a public hearing be held if a modification affects other properties.

Addressing the City Council regarding the matter were:

- a) Mr. Jeff Kirst, 18826 North Lower Sacramento Road, Lodi;
- b) Retired Judge Cechini, speaking as a friend of the Church of the Lodi First Nazarene Church;
- c) Mr. Chuck Wentland, 4 South Orange Street, Lodi;
- d) Mr. Joe Handel, 415 West Locust Street, Lodi;
- e) Mr. Steve Pechin, Baumbach & Piazza Civil Engineers, 323 West Elm Street, Lodi; and
- f) Dr. Gordon B. Roget, M.D., 415 2nd Avenue, S. E., Ashley, North Dakota who presented the following letter regarding the matter:

Gentlemen:

Even though I plan to be at the City Council session on December 16, 1992, I would like to put my thoughts about the Collection Road on Kettleman Lane in writing in case something should come up that prevents me from making a statement that night.

With the Collection Road making a slight bend northward, it takes equal amount of property from the Nazarene Church and myself. This is commendable; however, the added cost become very high for the following reasons: From east to west:

- 1. Five large Eucalyptus trees have to be removed and replaced.
- 2. A long English Laural hedge.
- 3. More eucalyptus trees.
- 4. Two 75 year old black walnut trees.
- 5. Two gate posts that are 30 X 30 inches, and more than 6 feet high made of solid concrete blocks. These would have to be moved and reset.
- 6. A security post also will have to be moved.

7. Replacement of a well that is located 32 feet inside my property.

If 34 feet more of the church property were to be used for the road, none of the above expenses would be incurred, and the Collection Road would be straight.

The property loss to my "Park" is not a factor in my request; it is the well first and the gate posts second, that have me most concerned. This property is not going to be subdivided--it is my personal park project.

Gordon B. Roget, M.D.

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

Following a lengthy discussion with questions being directed to staff and to those who had given testimony, the City Council on motion of Mayor Pro Tempore Sieglock, Mann second, adopted Resolution No. 92-194 entitled, "A Resolution of the Lodi City Council Establishing the Alignment and Location of a Collector Street North of Kettleman Lane and East of the Woodbridge Irrigation District Canal to Lower Sacramento Road" by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, and Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

The City Clerk was directed to include in the records staff's statement that the well located on Dr. Roget's property could be moved at a future date with no problems.

PLANNING COMMISSION REPORT The City Council was advised that the Planning commission had not met since the City Council received its last report.

COMMUNICATIONS (CITY CLERK)

CLAIMS CC-4 (c) On recommendation of the City Attorney and Insurance Consulting Associates, Inc., the City Council on motion of Mayor Pro Tempore Sieglock, Snider second, denied the following claim and referred it back to the City's Contract Administrator:

a) Marvin E. Pearl, date of loss 3/28/92

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ABC LICENSE
APPLICATIONS

CC-7(f) City Clerk Reimche presented an application for Alcoholic Beverage Control License for Stanley Kiino, Kiino Flowers, 527 West Lodi Avenue, On Sale Beer and Wine, Original License.

APPOINTMENTS TO VARIOUS CITY OF LODI
BOARDS AND COMMISSIONS

CC-2(f) On motion of Council Member Snider, Mann second, the City
CC-2(i) Council concurred with the following appointments and
CC-2(l) reappointments to various City of Lodi Boards and
Commissions:

<u>Lodi Senior Citizens Commission</u>	<u>Appointments</u>
Joan Rostomily	four-year term expiring December 31, 1996
Michael Nilssen	four-year term expiring December 31, 1996

<u>Personnel Board of Review</u>	<u>Reappointments</u>
Peter Hetzner	four-year term expiring January 17, 1997

<u>Site Plan and Architectural Review Committee</u>	
Donald Kundert	four-year term expiring January 1, 1997

As noted earlier in these Minutes, Council Member Davenport indicated his desire to have all members of the City Council be involved in the selection process for City of Lodi Board and Commission members.

Further, on motion of Council Member Snider, Pennino second, the City Council referred to the Lodi Parks and Recreation Commission for review and recommendation the Mayor's suggestion to increase the size of the Parks and Recreation Commission to seven members.

Further, the City Clerk was directed to place this matter on the City Council agenda for the January 20, 1992 meeting.

Continued December 16, 1992

APPEAL FROM DELTA SIGNS AND CRANE SERVICE,
APPEALING THE DECISION OF THE LODI PLANNING
COMMISSION REGARDING SIGNAGE FOR WALMART IN
THE AREA OF KETTLEMAN LANE AND LOWER SACRAMENTO
ROAD SET FOR PUBLIC HEARING

CC-53(a) On motion of Mayor Pro Tempore Sieglock, Davenport second,
the City Council set for public hearing on January 20, 1993
consideration of the appeal of Delta Signs and Crane
Service of the Planning Commission's decision regarding
signage for Walmart in the area of Kettleman Lane and Lower
Sacramento Road.

RECESS Mayor Pennino declared a five-minute recess, and the City
Council reconvened at approximately 11:10 p.m.

REGULAR CALENDAR

REPORT BY LODI DISTRICT CHAMBER OF COMMERCE
PRESIDENT EVELYN M. OLSON REGARDING THE FORMATION
OF A ECONOMIC DEVELOPMENT COMMITTEE

CC-7(k)
CC-400 Lodi District Chamber of Commerce President Evelyn M. Olson
presented the following report regarding the formation of
an Economic Development Committee.

The Board of Directors of the Lodi District Chamber of
Commerce has made the Economic Development Plan for Lodi
its top priority for 1993.

Following discussions by the Chamber's Economic Concerns
Committee and a Steering Committee (composed of city
officials, chamber leaders and representatives of the San
Joaquin Partnership), it was agreed that a joint City of
Lodi and Lodi District Chamber of Commerce Task Force
should be formulated to develop and Economic Development
Plan for Lodi.

The finalized plan would address methods of retaining
business in Lodi and attract desired new firms.

Since the City of Lodi has been contracting with the
Chamber for a variety of services, including economic
development activities, it is our recommendation that the
appointment of the joint task force would be a necessary
first step in formulation of an economic development plan.

The composition of the task force is as follows:

- Tony Racco
- Jim Schweickardt
- Mamie Starr
- Evelyn Olson
- Leon Zimmerman
- Les Dabritz (will serve as staff person)

We are requesting the City of Lodi to participate in this proposed joint task force by:

1. Appointing City Manager Tom Peterson to the Task Force.
2. Appointing Mayor Pro Tempore Jack Sieglock to the Task Force.

Proposed Ex-office members of the Task Force would be:

- Mayor Phillip Pennino
- Rick Weddle, San Joaquin Partnership
- Ray Hirning, 1993 Chamber President
- Bob Johnson, 1993 Chamber President-Elect

We are looking forward to your participation in this vital effort.

Also addressing the City Council regarding the matter was Rick Weddle, San Joaquin Partnership.

Following discussion, on motion of Council Member Mann, Sieglock second, the City Council concurred with the proposal by the Lodi District Chamber of Commerce regarding the formation of an Economic Development Committee. Mayor Pennino indicated that he would like to serve as an "At Large" member and asked the other members of the City Council to advise him if they are interested in serving on this committee.

LOW-VOLUME RESIDENTIAL SOLID WASTE COLLECTION OPTION

URGENCY ORDINANCE NO. 1564 ADOPTED

CC-22(b)
CC-149

The City Council was advised that City staff has received an enormous number of calls regarding the new three cart collection system. Over 90% of these calls have been from single, elderly residents stating they generate less than half a can of trash per week, and have no need for three carts.

In response to this sentiment, CWRS has devised an alternate collection mechanism comprised of a 20 gallon

waste cart at a reduced rate. Dick Warner of Casa de Lodi and CWRS previously made presentations to Council regarding options for low-volume producers at a shirtsleeve session held December 15, 1992.

It has also been proposed that the City and Franchisee offer for sale specially-marked tags which could be affixed to trash bags. These would be used by residents when a large volume of refuse is occasionally generated. Trash bags would be tagged and placed at the curb for collection with routine service.

A proposed urgency ordinance regarding the 20 gallon waste cart option and pre-paid collection tags was presented to the City Council for consideration.

Addressing the City Council regarding the matter and responding to questions was Mr. Dave Vaccarezza, Sanitary Disposal Company, Lodi.

Also addressing the City Council regarding the matter were:

- a) Janet Pruss, 2421 Diablo Drive, Lodi;
- b) Douglas Sloan, 6 Rio Vista Drive, Lodi;
- c) Eileen M. St. Yves, 310 South Orange Street, No. 60, Lodi;
- d) Stanley Harkness, 700 Cardinal Street, Lodi;
- e) Steve Reeves, 1532 East Woodbridge, Road, Lodi;
- f) Leo Vitale, 522 Rimby Street, Lodi;
- g) Frank Taormina, 1209 South Washington Street, Lodi;
- h) Frank Nottingham 14 Rio Vista, Lodi; and
- i) Sal Vitale, 2415 Ham Lane, Lodi.

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

On motion of Council Member Snider, Sieglock second, the City Council adopted Ordinance No. 1564 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi Establishing Options for Refuse Collection and Setting Rate for Low-Volume Residential Waste Generators". The motion carried by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

Council Member Davenport's motion to rethink Ordinance No. 1558 entitled, "An Uncodified Urgency Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Chapter 13.16 Relating to Residential Solid Waste Collection Monthly Rates", died for lack of a second.

PARAMETERS FOR CITIZENS' ADVISORY BOARD FOR REFUSE RATES ESTABLISHED

Administrative Assistant to the City Manager Kirk Evans reminded the City Council that on October 21, 1992 City Council approved new rates for residential solid waste collection service. At that time, it approved formation of a Citizens' Advisory Board comprised of Trella Areida, Richard Warner and Kirk Evans to review applications for exemption from the rates and/or requirements to place the cart at the curb for pick up.

Staff presented the following proposed parameters for Citizens' Advisory Board for established refuse rates.

Parameters for the C.A.B.

- A. Handicapped "Backyard" service.
 - Note from a physician, copy of handicapped decal, etc., will serve to prove exemption.
- B. Economic Hardship.
 - S.S.I., S.S.P, Section 8 housing assistance, household income of \$10,000/year/single resident plus \$2,000/year for each additional resident will qualify for exemption.
 - Exemption applies to residential units only (not commercial or industrial), regardless of whether the applicant resides in a single family home, duplex, multi-family unit or apartment.
 - As originally proposed, economic hardship would have been a prerequisite for cart sharing. Cart sharing is eliminated as an option. Economic hardship only will be considered under this exemption.
 - The rate under this exemption shall be \$10.00

3/10

C. 20 gallon low-volume producer.

- Any resident may request this service without applying to the Citizens' Advisory Board. A simple request to the Finance Department or California Waste Removal Systems will suffice.
- The rate under this exemption shall be \$10.00.
- The rate for individuals receiving a 20 gallon low-volume waste cart and economic hardship exemption shall be \$10.00.

A lengthy discussion followed with questions being directed to Mr. Evans, Mr. Vaccarezza, and to others who had spoken earlier.

On motion of Council Member Snider, Davenport second, the City Council approved with parameters as set forth above with the following changes:

Parameters

B. Economic Hardship

(first paragraph)

- Federal Earnings Guidelines, S.S.I, S.S.P., Section 8 housing assistance will qualify for exemption.

C. 20 gallon low-volume producer

(last paragraph)

- The rate for individuals receiving a 20 gallon low-volume waste cart and economic hardship exemption shall be \$8.00.

ORDINANCES

There were no ordinances listed on the agenda for adoption.

CLOSED SESSION

CITY CLERK APPOINTMENT

CC-6
CC-34
CC-200(b)

At approximately 1:15 a.m., December 17, 1992, the City Council adjourned to Closed Session regarding the City Clerk's appointment. The City Council reconvened at approximately 1:20 a.m. On motion of Council Member Snider, Sieglock second, the City Council announced its intention to enter into an agreement with Jennifer Perrin appointing her City Clerk of the City of Lodi effective January 18, 1993.

Mayor Pennino then made the following statement regarding the appointment:

"On behalf of the City Council, it is my pleasure to announce the appointment of Jennifer Perrin to the position of City Clerk. The appointment is effective January 18, 1993. At the conclusion of an extensive recruitment effort, it was the unanimous position of the City Council that Ms. Perrin is best suited for the position.

We look forward to working with Ms. Perrin in this most important position and we are confident she will very capably fulfill the duties and responsibilities of this position. She has developed her skills under the leadership and direction of our present City Clerk, Alice Reimche, and she could have not learned from a better teacher.

We extend to Alice our deepest appreciation for all she has done for City Councils and the City during her term. We bid you a fond farewell, Alice and wish you and your family health, happiness and success always.

To Jennifer, 'Congratulations'."

CC-200 (d)

At approximately 1:25 a.m., the City Council adjourned to Closed Session regarding Litigation:

- a) George Stolberg vs City of Lodi
- b) Kurt Bush, Jr. vs City of Lodi

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 1:45 a.m., December 17, 1992.

ATTEST:

Alice M. Reimche
 Alice M. Reimche
 City Clerk *ly pnt*