

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 20, 1991
7:30 P.M.

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

INVOCATION The invocation was given by Pastor Don Thomas, Lodi
Community Church.

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

PRESENTATIONS

PROCLAMATIONS Mayor Hinchman presented the following proclamations:

- CC-37 a) "International Friendship Day"
- b) "Engineers Week"

INTRODUCTION OF ADMINISTRATIVE
ASSISTANT TO THE CITY COUNCIL

CC-6 City Manager Peterson introduced Janet Keeter,
CC-34 Administrative Assistant to the City Council.

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

CLAIMS CC-21(a) Claims were approved in the amount of \$1,591,847.52.

MINUTES The Minutes of January 2, 1991 (Regular Meeting) and
January 30, 1991 (Joint Special Meeting with the Lodi Arts
Commission) were approved as written.

DESTRUCTION OF CERTAIN RECORDS
RETAINED BY CITY MANAGER'S
OFFICE APPROVED

RESOLUTION NO. 91-27

CC-6 The City Council authorized the destruction of certain
CC-300 records retained by the City Manager's office following
 approval by the City Attorney pursuant to State Statute.

REPORT RECEIVED REGARDING
THE SALE OF CITY PROPERTY

CC-20 The City Council was informed that the following items of
CC-47 City property were sold during the last thirty days:

1. One 1980 Olds Cutlass, Vehicle #68, remained unsold after the vehicle sale in December. Subsequent to the sale, an offer was received for the previously set minimum bid of \$1,200, and the offer was accepted.
2. One fiberglass boat hull, held by the Police Department as stolen property and subsequently unclaimed, remained unsold after the December bid. Following the bid, an offer for \$200 was received and accepted. The previously set minimum bid was \$400.
3. One 1985 Chevrolet Caprice Wagon, Vehicle #10, a former Dial-A-Ride vehicle, was sold under separate bid for \$1,325. The minimum price had been set at \$1,200.

REVISED TRANSPORTATION
DEVELOPMENT ACT (TDA)
CLAIM 1989-90 APPROVED

RESOLUTION NO. 91-29

CC-7 The City Council was advised that our COG liaison has
CC-90 suggested we submit a revised claim for 1989-90 to more
CC-300 clearly show how we actually used the funds received.

The claim will then reflect actual receipts and expenditures and will also track through the City of Lodi's fiscal records. We are also making changes to the operational information as it gives a better indication of system performance and future outlook.

This revised claim has no fiscal impact. It is just a matter of cleaning up paperwork so that all records coincide.

The City Council adopted Resolution No. 91-29 approving a revised claim for 1989-90 Transportation Development Act (TDA) funds.

RESOLUTION ADOPTED DECLARING
WEEDS A PUBLIC NUISANCE AND
INITIATING ABATEMENT PROCEEDINGS
ON VARIOUS PARCELS THROUGHOUT
THE CITY

RESOLUTION NO. 91-30

CC-24(b)
CC-300

The City Council adopted Resolution No. 91-30 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings on Various Parcels Throughout the City, and setting the matter for public hearing for the regular City Council meeting of April 17, 1991.

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

We are in receipt of a list from the Fire Department of the various parcels within the City that are not in compliance with weed abatement requirements. It was recommended that Council adopt the Resolution No. 91-30 Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings, as provided under the State of California Government Code Section 39501, et seq. The subject resolution also calls for a public hearing to be held concerning this matter at the regular City Council meeting of April 17, 1991.

Also presented for Council review was a letter dated January 30, 1991 which Fire Inspector Don Hawkinson sent, advising the property owners of the various parcels throughout the City of a need to abate weeds on their property. These letters were mailed out commencing February 7, 1991.

ACCEPTANCE OF IMPROVEMENTS
UNDER WELL DRILLING, WELL 11-R,
824 EAST TURNER ROAD
CONTRACT

CC-90

The City Council accepted the improvements under the "Well Drilling, Well 11-R" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The subject contract was awarded to Clark Well Inc. of Stockton on November 7, 1990 in the amount of \$89,495.00.

The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was February 12, 1991. The final contract price was \$89,070.20.

REPORT REGARDING WASHINGTON STREET AND ACACIA STREET - PARKING STUDY

CC-48(a) The City Council received the following report regarding the Washington Street and Acacia Street Parking Study:

At the meeting of January 2, 1991, City Council approved the conversion of "Yield" signs to "Stop" signs on Acacia Street at Washington Street. Also at that meeting, City Council requested that the Public Works Department investigate the residents' concern that the offset of Washington Street at Acacia Street was creating a hazard for motorists. The residents feel that this offset could cause drivers to hit parked vehicles. The results of the Department's review of this request was presented to City Council for review.

Dimensions taken in the field confirm that the alignment of Washington Street at Acacia Street is offset by approximately 4.5 feet. Available accident records from 1987-1990 indicate that one accident has occurred at this intersection. This 1987 accident was a right-of-way violation and not related to offset in the roadway. Traffic volumes taken in 1989 indicate that approximately 555 vehicles per day enter the intersection on Washington Street.

Based on the above information, it appears that the minor roadway offset should not and has not caused a problem for drivers. However, to provide additional guidance for drivers and to reduce the likelihood of parked cars being hit, the centerline striping will be modified and two 20-foot "No Parking" zones will be installed. The Public Works Director is authorized to paint up to 20 feet of red curb without Council approval.

PURCHASE AGREEMENT FOR 1775 SOUTH CHURCH STREET APPROVED

CC-27(a) The City Council authorized the City Manager and City Clerk to approve the right-of-way agreement for 1775 South Church Street.

The City has reached agreement with the last of the four property owners along the west side of South Church Street

where property is needed for the Church Street Improvements, Century Boulevard to Kettleman Lane, project. The City has acquired the whole parcel because the house would be six inches from the right-of-way line and the existing porch extends three feet into the right-of-way. The City is paying the property owner \$85,200 for the 60' X 142' parcel. It is the City's intent to remove the house and sell the property as soon as possible. Because of the damage that the existing house would incur, it was felt that it was prudent for the City to purchase the entire parcel.

With this acquisition, all parcels needed for the Church Street project have been acquired.

RESOLUTION ADOPTED SUPPORTING
THE ESTABLISHMENT BY THE
FEDERAL COMMUNICATIONS COMMISSION
OF A CITIZENS' BAND RADIO TRAFFIC
ADVISORY CHANNEL

RESOLUTION NO. 91-28

CC-6 The City Council adopted Resolution No. 91-28 entitled, "A
CC-24(a) Resolution of the City Council of the City of Lodi
CC-48(a) Supporting the Establishment by the Federal Communications
CC-300 Commission of a Citizens' Band Radio Traffic Advisory
Channel".

At the February 6, 1991 Regular City Council meeting, the City Council received a request from Michael J. Barkley, 161 North Sheridan Avenue #1, Manteca, CA asking that the City Council adopt a resolution supporting the establishment by the Federal Communications Commission of a Citizens' Band Radio Traffic Advisory Channel as a means to improve traffic control systems during foggy weather.

Inasmuch as this request was received under "Communications", no formal action could be taken on the matter by the City Council. Mayor Hinchman directed the City Clerk to place this matter on the February 20, 1991 agenda for action by the City Council.

Presented for the City Council's review was a copy of a letter from Mr. Barkley to The Tribune regarding the matter and a copy of the petition received September 11, 1990 by the Federal Communications Commission petitioning the Commission to designate one of the existing Citizens' Band Radio channels as a "Traffic Advisory" channel with usage limited to warnings, advice, comments, questions, and answers about roadway conditions, and with enforcement provisions similar to those of the Channel 9 Emergency Channel but less restrictive.

COMMENTS BY CITY
COUNCIL MEMBERS

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

LODI DISTRICT CHAMBER OF
COMMERCE SPONSORED LUNCHEON
ANNOUNCED

Mayor Hinchman announced that the Lodi District Chamber of Commerce is sponsoring a luncheon meeting at Angelina's on Friday, February 22, 1991 at which Major General Dale Baumber will be speaking on Desert Storm.

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:

HOMETOWN SUPPORT RALLY
TO BE HELD FOR TROOPS IN
DESERT STORM

CC-82

David A. Huggins, 321 West Forrest Avenue, Lodi addressed the City Council announcing that on March 2, 1991 there is going to be a Hometown Support Rally for the troops in Desert Storm which will be held at Hutchins Street Square. Mr. Huggins asked that a proclamation be prepared for the event and urged community support of the event.

CITIZEN'S COMPLAINT
REGARDING NEIGHBORHOOD

CC-16

Virginia Lahr, 311 East Elm Street, Lodi addressed the City Council complaining about the condition of certain houses in her neighborhood; the frequent selling of the house or frequent moving of occupants of the property, and problems regarding robbery, burglary and vandalizing in the neighborhood. Mrs. Lahr asked the City Council for assistance in resolving the problems being encountered. The City Council directed the matter to staff for investigation and recommendation.

CITIZEN REQUESTS INSTALLATION
OF "SPEED CHECKED BY RADAR" SIGNS

CC-16

Mr. Pantel Kokiousis, 13701 East Kettleman Lane, Lodi addressed the City Council requesting that "Speed Checked by Radar" signs be posted in Lodi. It was announced that the topic of the April 2, 1991 Shirtsleeve Session will be traffic enforcement programs in Lodi.

PUBLIC HEARINGS

LODI MUNICIPAL CODE AMENDED
RECOMMENDED BY PLANNING
COMMISSION TO REQUIRE A
MINIMUM OF FIVE HUNDRED FOOT
SEPARATION BETWEEN LARGE
FAMILY DAY CARE HOMES
REJECTED

CC-53(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 Hinchman called for the Public Hearing to consider amending Lodi Municipal Code Section 17.57 by adding a new section requiring a minimum of five hundred foot separation between large family day care homes.

Community Development Director Schroeder advised the City Council that current State Law provides for three types of family day-care homes or facilities; (1) small residential family day-care home; (2) large residential family day-care home; and (3) institutional family day-care facility.

Small residential family day-care homes which are for 1 to 6 children may be located anywhere in the community with a day-care licence issued by the County agency authorized by the State. The City has no authority of any kind over these facilities. Under current law every house on a residential street could be licensed for day-care for up to six children.

Large residential family day-care homes which are for 7 to 12 children may be located anywhere in the community with the following City clearances (1) use permit issued by the Planning Commission; (2) business license; and (3) Fire Marshal clearance. These are the homes that the Planning Commission feels should be separated by five hundred feet between facilities. The Commission feels that 2, 3 or 4 of these homes in a close proximity will raise complaints concerning traffic and noise.

Institutional family day-care facilities which are for 13 or more children require the same approvals as a large residential family day care home. However, these facilities have zoning restriction. They are permitted in single-family zones only if located in a church or school. They are permitted in multiple-family, commercial and industrial zones with a use permit.

When the Planning Commission approves a use permit for a large residential day-care home it limits the hours of operation, requires that no more than six children be permitted in the play yard at any one time, and reviews the use permit after two years.

The need for establishing the 500-foot separation grew out of a problem in the area of Hemlock Drive, Ridge Drive and Alpine Drive where two large day care homes are almost across the street from each other. There are also 2 or 3 of the smaller day care homes in the neighborhood.

The following persons spoke in opposition to the matter:

- a) Cyndi McFadden, 37 North Corinth Avenue, Lodi
- b) Mary Henderson, 17 North Corinth Avenue, Lodi

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

On motion of Council Member Pinkerton, Sieglock second, the City Council overturned the Planning Commission's recommendation to amend Lodi Municipal Code Chapter 17.57, by adding a new section requiring five hundred foot separations between large family day-care homes.

PUBLIC HEARING TO CONSIDER
AN AMENDMENT TO THE REFUSE
FRANCHISE AGREEMENT TO
PROVIDE FOR ADDITION OF
INDUSTRIAL REFUSE SERVICE

CC-54
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 Hinchman called for the public hearing to consider an amendment to the refuse franchise agreement to provide for addition of industrial refuse service.

The City Manager advised the City Council that at its work study ("Shirtsleeve") session of February 5, 1991, the City Council heard a presentation regarding the City's efforts to comply with the requirements of Assembly Bill 939 which addresses solid waste management and recycling. At that session the City Council also heard a staff recommendation to consider bringing all industrial customers under the terms and conditions of the Refuse Franchise Agreement. This step is necessary to insure that the City has 100% control of the waste stream to enable the City to meet the 25% reduction in material taken to the Harney Lane Sanitary Landfill by 1995, and 50% by the year 2000. A sample ordinance was presented for City Council's review.

Addressing the City Council regarding the matter were:

- a) David Vaccarezza, President, Sanitary City Disposal Company

- b) James Verseput, 2120 West Lodi Avenue, Lodi
- c) Don Bricker, Ramrock Environmental Recycling Company, 802 North Cluff Avenue, Lodi
- d) Harold Reno, General Manager, Waste Management of Stockton, 2150 East Fremont Street, Stockton
- e) Bob Paulat, Pacific Coast Producers, 32 East Tokay Street, Lodi

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

A lengthy discussion following with questions regarding the matter being directed to staff and to those who had given testimony.

On motion of Mayor Hinchman, Pennino second, the City Council tabled the introduction of an ordinance which would amend the Lodi Municipal Code Chapter 13.16 - Solid Waste - to provide for the addition of industrial refuse service pending further review of the matter by staff and review and recommendation of the matter by the City of Lodi Solid Waste Management Task Force.

The motion carried by the following vote:

Ayes: Council Members - Hinchman, Pennino, Sieglock

Noes: Council Members - Pinkerton and Snider

Absent: Council Members - None

RECESS

Mayor Hinchman declared a five-minute recess and the City Council reconvened at approximately 9:40 p.m.

APPEAL OF MR. JERRY POKERT
OF THE PLANNING COMMISSION'S
DENIAL OF HIS REQUEST FOR A USE
PERMIT FOR A TEMPORARY TRAVEL
TRAILER TO BE USED FOR SECURITY
PURPOSES AT 928 BLACK DIAMOND WAY
IN AN AREA ZONED M-2 HEAVY INDUSTRIAL
DENIED

CC-53(b)

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 appeal of Mr. Jerry Pokert of the Planning Commission's denial of his request for a Use permit for a temporary travel trailer to be used for security purposes

at 928 Black Diamond Way in an area zoned M-2, Heavy Industrial.

Community Development Director Schroeder advised the City Council that the subject travel trailer was placed at 928 Black Diamond Way without inquiring if it could be done. The Fire Marshal brought the matter to the attention of the Community Development Department because the trailer's location and the fashion in which it was being used constituted a fire problem.

Although the Planning Commission approved Use Permits for temporary offices, it does so under the following provisions: (1) the temporary facilities must contain a federal inspection stamp; (2) must be installed and connected to City Utilities to the approval of the Chief Building Inspector; and (3) be removed after 2 to 4 years or made a permanent installation.

Under current requirements a travel trailer does not contain a federal inspection stamp and could not be made into a permanent facility. The City would not normally permit a travel trailer to be connected to sewer and water. However, if the travel trailer is to remain in its present location, sewer and water connection should be discussed.

The City's zoning requirements permit occupied travel trailers to be located in mobilehome or travel trailer parks. Any other location is a violation of the code.

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

On motion of Council Member Snider, Pennino second, the City Council denied the appeal of Mr. Jerry Pokert of the Planning Commission's denial of his request for a Use Permit for a temporary travel trailer to be used for security purposes at 928 Black Diamond Way in an area zoned M-2, Heavy Industrial. The motion carried by unanimous vote of the City Council.

PLANNING COMMISSION
REPORT

City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of February 11, 1991:

CC-35

The Planning Commission -

ITEMS OF INTEREST

a.

Continued consideration of the following requests of Terry Piazza on behalf of Irvin Bender until 7:30 p.m., Monday, March 25, 1991:

1. to rezone the 1.2 acre parcel at 2008 West Tokay Street from R-2, Single-Family Residential to P-D, Planned Development;
 2. for approval of the Tentative Subdivision Map of Camelia Plaza, a 1.2 acre, 12-lot single-family residential project at 2008 West Tokay Street;
 3. to certify the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the above projects.
- b. Determined that the size of the lot constituted a "Zoning Hardship" and approved the request of Richard Lozano for Zoning Variances to reduce the front yard setback from 20 feet to 14 feet; the rearyard setback from 10 feet to 5 feet; the sideyard setbacks from 5 feet to 3 feet and to vary the off-street parking requirements to permit construction of a residence and attached single-car garage at 610 South Washington Street in an area zoned R-1*, Single-Family Residential - Eastside.
- c. Conducted a work session on (1) Evaluation Criteria for Growth Management Plan, (2) Growth Management Development Plan, and (3) the priority areas for future residential development, and set the matters for Public Hearing at 7:30 p.m., Monday, March 11, 1991.

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4(c)

On recommendation of the City's Contract Administrator, Insurance Consulting Associates, Inc., and the City Attorney, the City Council, on motion of Council Member Snider, Sieglock second, denied the following claim and referred it back to the City's Contract Administrator:

- a) Elmer Gunsch, Date of loss 12/22/90

APRIL 1, 1990 DECENNIAL
CENSUS ENUMERATION FOR THE
CITY OF LODI CERTIFIED BY
STATE OF CALIFORNIA,
DEPARTMENT OF FINANCE

CC-36 City Clerk Reimche presented a letter from State of California, Department of Finance advising that on January 30, 1991 the Department of Finance certified to the State Controller that the April 1, 1990 decennial census enumeration for the City of Lodi was 51,874.

LETTER RECEIVED FROM
MRS. CARMELITA P. PINEDA,
458 ALMOND DRIVE, LODI
COMPLAINING OF A SIGHT
DISTANCE PROBLEM IN THE AREA.

CC-16

The Mayor referred to staff the following letter received from Mrs. Carmelita P. Pineda, 458 Almond Drive, Lodi, Ca advising of a hazardous situation in the area of her property. Mrs. Pineda stated that with the onset of improvements in the area, Almond Drive was widened except for two properties which causes a hazardous sight-distance problem.

Since the expansion of the road on Almond Drive, backing out from my driveway posed an everyday hazard. Before the area was subdivided into single family housing units, Almond Drive was a small country road. With the onset of the improvements, the road was widened except with two country properties which were left untouched; our property and the one next to ours owned by Mrs. Sofie Nahorney. With part of the road widened and part untouched, vehicles parked alongside caused a double parking effect that blocked my view in backing out everyday. I've been trying to ignore the situation although it was an everyday hit or miss driving condition. Today, I was almost hit by a big passenger van due to failure of seeing it coming. I'm bringing this to your attention for something must be done to correct the situation. It will be very helpful if you widen the road on Mrs. Nohorney's property. I'm hoping that nothing tragic will happen. But if it will be otherwise, I'm holding the city responsible for everything.

Hoping for your reply.

Carmelita P. Pineda

REGULAR CALENDAR

REQUEST FROM LAVERNE WALTH
FOR MODIFICATION OF SEWER
CONNECTION FEE REQUIREMENTS

CC-16
CC-14
CC-44
CC-51
CC-56

The City Council received the following letter from LaVerne Walth requesting modification of the sewer connection fee requirements:

I am the owner of the Corner Pie Shop located at 28 North School Street, Lodi, California, which I opened 16 years ago. My present landlord sold the building I have occupied and I have to move within 30 days into a new location. At the present I am looking into 116 North School Street as a location, in order to stay in the downtown area to service my clientele.

In the process of applying for a building permit I was notified that there was a new sewage hook-up fee and it would cost me \$1,825.00 per 10 people - which is one unit. I would be needing 6 units at the cost of \$10,950.00 for the sewage hook-up fee.

Basically I'm using the same sewage system, therefore, I feel I have earned some of these credits or units to take with me to my new location. I'm hoping that you, with the help of the City Council can help me.

I am trying to help keep downtown alive.

LaVerne Walth
Owner/Corner Pie Shop

Public Works Director Ronsko advised the City Council that LaVerne Walth came to the Building Department to confirm the process for applying for a building permit at her new proposed location at 116 North School Street. She did not have a plan but shared with the Building Official that there would be seating for approximately 60 and that the establishment would be a restaurant-type eating place with no take-out. Based on a seating capacity of 60, she would have to pay for 6 connection fee units minus any applicable units that would have already been allocated to 116 North School Street. There is presently a plumbing supply business at 116 North School and it is our understanding that they will be remaining in a portion of the building. Since they have only been allocated one connection fee unit and will be staying in the building, this unit cannot be used by LaVerne Walth. If LaVerne Walth were to move into a building which previously housed a restaurant of 60 seats or more, there would possibly be no connection fee charged.

Presented for the City Council's review were the current charges and fees along with units of measure for different commercial and industrial uses. Approximately two years ago, the City reevaluated and adjusted the units of measure for these types of users. LaVerne Walth's proposed business as described falls under "Eating places, seating only". When this category was evaluated two years ago, we had approximately five businesses within the City of Lodi of this type. Calculating from actual water usage, it was determined that the ten seats per sewage service unit was still appropriate. The present connection fee per sewage service unit is \$2,099.

Our present sewer ordinance does not provide for a transfer of a connection fee allocation from one location to another. We have, at the staff level, given consideration to the fact that under extraordinary circumstances there may be need for this. If a firm such as Pacific Coast Producers (PCP) would want to move from South Stockton

Street to another location within the City, it may be reasonable to consider a transfer. We would probably not allow a similar use back into the present PCP location due to the demands this would put on our water and industrial sewer system. It was our feeling that these special cases should be brought to the City Council for determination.

In the case of a restaurant moving from location A to location B, it is certainly reasonable that another restaurant could move into location A. It is our feeling that the property owner owns the sewer connection allocation and not the renter. If the ordinance was to be changed to allow for a transfer of sewer connection allocations, it would be our position that this could not be done without the approval of the property owner. In this case, it would be the owner of 28 North School Street. City staff has made contact with the owner, Mr. Paul Tsampis, and the reason that he bought the building at 28 North School Street was to put in a hofbrau-type eating establishment. Mr. Tsampis was adamant that he was not interested in allowing any transfer of his connection fee allocation.

Based on the existing sewer ordinance, if LaVerne Walth wants to move into 116 North School Street and develop a restaurant as described to the Building Department, her fee would be 6 units X \$2,099 or \$12,594. The ordinance, under Section 13.12.215B, does provide for a connection fee adjustment after one full year of operating data is available. The user may request the Public Works Director to make an adjustment. An adjustment will be made only if a significant variation exists between the estimated and the actual unit of measure or wastewater quantity. Increases in connection fees will be due and payable on demand. Decreases will be credited to the user's account.

Without a modification to the existing ordinance, it appears that LaVerne Walth has two choices if she wants to stay in the downtown area:

1. Find a vacant building where there is a present connection fee allotment similar to what she would be charged for a new business; thereby, she would be charged nothing or just the difference between the present allotment and her new required connection fee.
2. Pay the connection fee. When one full year of operating data is available, LaVerne Walth may request the Public Works Director to make an adjustment. Depending on actual water usage or units of measure, the

adjustment could be an increase or a decrease.

Following a lengthy discussion regarding the matter with questions being directed to the City Attorney and staff, the City Council directed the City Attorney to present at the March 6, 1991 City Council meeting proposed modifications of the sewer connection fee requirements which would within the boundaries of the United Downtown Improvement District, be an incentive for businesses either relocating or moving into the subject district.

REQUEST FOR TREES IN
DOWNTOWN PARKING LOTS DENIED

CC-49

The City Council received the following letter from Anne and Larry Meyers requesting the planting of trees in the downtown parking lots.

Would you consider a tree planting program this fall and winter.

The downtown parking lots are in need of a cooling off in the summer time when these areas become deserts.

Downtown workers and shoppers would appreciate the few degrees of cooling that the shade would produce.

Thank you for your consideration.

The Meyers
Anne and Larry

Public Works Director Ronsko presented for the City Council's review the following information regarding this matter:

Downtown Parking Lots - Tree Summary

<u>Lot #/Location</u> <u>Stalls Lost</u>	<u># of Trees</u> <u>Existing*</u>	<u>Required</u>	<u>Existing #</u> <u>Per Std**</u>	<u># of New Trees &</u> <u>of Stalls***</u>	<u># of</u>
1 N/Walnut	0	13	32 - T 32 - P	13	
2 S/Oak	0	6	32 - T	6	
3 N/Oak	8	9	23 - T 13 - P	1	
4 S/Pine	17	13	38 - T 13 - P	0	

Continued February 20, 1991

317

5 N/Elm	0	24	36 - T 83 - P	24
SP Lot	12	7	37 - P	<u>0</u>
Total				44

* # of existing trees does not include street trees at curb

** # of required trees, per City standards, is one shade tree per four stalls; based on net number of stalls and assuming one stall lost per new tree

*** P = permit; T = timed

The cost of purchasing and planting a 15-gallon tree in a prepared spot ranges from \$125 to \$200 depending on various factors including the type of tree, use of root barriers, and work by City forces versus contract. Removal of pavement, installation of concrete curbing and an irrigation system could easily add an additional \$1,500 per tree. We cannot recommend adding trees without an automatic irrigation system. Annual maintenance costs for tree, planter, and irrigation system are not included in above estimates.

The cost of 44 new trees is approximately \$75,000. The loss of parking stalls would also be 44. The cost works out to \$250.00 per parking permit sold (based on 44 trees X \$1,700/tree divided by 300 permits). The present permit fee revenue is only \$60.00 per year per permit.

The above analysis does not account for the shade or other esthetics of existing street trees which, if included, would lower the total number of trees required by the City standard. However, it also assumes existing trees in the lots are adequate. Many of these trees are ones that will never provide shade for parked vehicles due to their location or species. Replacing or adding to these would, of course, add to the total cost.

If the City Council wants to pursue this request further, it is felt that the Lodi Downtown Business Association (LDBA) should comment on the loss of stalls at each of the parking lot locations. The City does not have the funds to provide for this request. Therefore, consideration should be given to increase permit costs.

On motion of Council Member Snider, Hinchman second, the City Council, in light of the drought and the expense which would be involved denied the request.

REPORT RECEIVED REGARDING
UTILITY RATE SCHEDULES FOR
LOW-INCOME OR DISABLED
CITIZENS

CC-51(a)

City Manager Peterson reminded the City Council that with the implementation of the new electric utility rate schedules, the City Council requested that a report be made at a Council meeting informing citizens of special consideration with regard to utility rates in certain circumstances. This report is for information only and requires no action.

Two years ago (February, 1989) the City Council took action to implement a utility rate (water, sewer and refuse) discount of 10% for citizens who qualified for Supplemental Security Income (SSI), which is Federally funded, and/or State Supplemental Payment (SSP) which is State funded. Eligibility for these benefits is determined by Social Security after a careful and most thorough review of the individual's true financial position. While Social Security estimates there are approximately 5,000 persons living in the Lodi area who receive these benefits, to date only 69 citizens have applied for and are receiving this 10% discount. In addition, in a previous electric utility rate adjustment, the City Council approved the implementation of a "lifeline" rate that benefits low electricity users. The residential rate schedule contains a lower, first block energy rate to provide a minimum level of low-cost energy to all residential customers. On the assumption that low-income persons and seniors generally use fewer energy consumptive devices, this provides a built-in benefit. In addition, residential customers with qualifying medical conditions are entitled to a much larger block of energy at the lower first block rate. This rate is designed to provide additional lower cost energy for electrically powered life-support devices, wheelchairs, and, under certain conditions, air conditioning and heating. The customer's physician makes the determination of need. Currently, there are approximately 75 people on this schedule.

ORDINANCE NO. 1508 INTRODUCED
ADOPTING 1990-91 CAPITAL
IMPROVEMENT PROGRAM -
PUBLIC FACILITIES

ORDINANCE NO. 1508

CC-15
CC-149

The City Council was reminded that at the January 8, 1991 and January 22, 1991 "Shirtsleeve Sessions", the City Council had reviewed and discussed priorities for projects and funding for the 1990-91 Capital Improvement Program for Public Facilities.

Based on these discussions, staff is recommending the projects and funding sources as set forth in the proposed 1990-91 Capital Improvement Program for Public Facilities presented to the City Council.

The City Council was advised that there are sufficient dollars in the appropriate funds to finance the program set forth and retain \$61,000 for any additional projects the Council approves during the remainder of the fiscal year.

On motion of Council Member Pinkerton, Pennino second, the City Council by the following vote introduced Ordinance No. 1508 entitled, "An Ordinance of the Lodi City Council Adopting a Capital Improvement Program Budget for Public Facilities for the City of Lodi for Fiscal Year 1990-91":

Ayes: Council Members - Pinkerton, Pennino, Snider and Sieglock

Noes: Council Members - Hinchman

Absent: Council Members - None

ORDINANCES

No ordinances were presented for final adoption to the City Council.

CLOSED SESSION

CC-200(d)

At approximately 11:02 p.m., the City Council adjourned to Closed Session regarding litigation - (Attorneys' fees) L. I. F. E. Committee v. City of Lodi, San Joaquin County Superior Court Case No. 178641.

ADJOURNMENT

The City Council reconvened from Closed Session. There being no further business to come before the City Council, Mayor Hinchman adjourned the meeting at approximately 11:15 p.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk