

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, MAY 15, 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, Assistant City Engineer
Prima, City Attorney McNatt, and City Clerk
Reimche

INVOCATION The invocation was given by Assistant City Manager Glenn.

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

PRESENTATIONS

LODI UNIFIED SCHOOL DISTRICT
STRING QUARTET PERFORMS

The Lodi Unified School District String Quartet performed
under the direction of David Collum.

PRESENTATION BY LODI SISTER
CITY COMMITTEE

A presentation was made by Naomi McCallum Carey, President
of the Lodi Sister City Committee acknowledging current and
former City Council participation.

PROCLAMATIONS

CC-37 Mayor Hinchman presented the following proclamations:

- a) "Walk for the Health of It";
- b) "National Public Works Week"; and
- c) "National Safe Boating Week".

CONSENT CALENDAR

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

CLAIMS CC-21(a) Claims were approved in the amount of \$2,978,353.09.

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MINUTES No minutes were presented for City Council approval.

REPORT ON SALE OF CITY PROPERTY

CC-20 The City Council was informed that the following items of
CC-47 surplus City property have been sold within the last thirty days, generating a total revenue of \$4,746.00.

1. Seven vehicles, unsaleable to the general public due to damage or for safety considerations, were offered in informal bids and sold as scrap to Charter Way Auto Recyclers of Stockton for the amount of \$1,471.00.
2. One lot of scrap wire, metal, and transformer casings was bid informally and sold to the sole bidder, Sunshine Steel Enterprises of Sacramento, for \$3,275.00. This sale was approved by the City Council on March 20, 1991.

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

SPECIFICATIONS APPROVED FOR WATTHOUR METERS

CC-12.1(b) The City Council approved the specifications and authorized advertisement for bids for the purchase of 672 electric watthour meters.

The Electric Utility Department's Metering Division has requested that 672 single-phase watthour meters be purchased to maintain an inventory for installation of meters at new developments, and for replacement of obsolete and deteriorated meters located during meter testing.

The bid opening has been scheduled for Tuesday, June 4, 1991.

The estimated cost of this purchase is \$23,500, with funding available in the Electric Utility Department's Operating Fund.

BIDS REJECTED FOR 12-KV POWER REGULATOR

RESOLUTION NO. 91-83

CC-12(b) The City Council adopted Resolution No. 91-83 rejecting the
CC-300 bids for one 12-KV Power Regulator.

On March 6, 1991, the City Council approved specifications and authorized advertisement for (re) bids on one 12-KV Power Regulator. Bids were opened on April 2, 1991, with the following results:

<u>Supplier</u>	<u>Price incl. tax</u>	<u>Life cycle cost</u>
Cooper Power Systems Burlingame, CA	\$226,149.85	\$260,149.85
Delta Star Belmont, CA	\$219,212.15	\$410,812.15
Siemens* Jackson, MS	\$124,177.94	\$264,177.94

*Does not meet specifications

This unit was bid earlier; one bid was received and it was rejected at the February 6, 1991, City Council meeting based on the sole bid being 54.1% in excess of budgeted funds. It was subsequently learned that with minor technical changes to the specifications, additional suppliers would be bidding in a rebid situation and that the bid price could be expected to be approximately \$140,000, the engineers estimate for this purchase.

Rebidding this unit did not improve the City's position, in fact the low bid is now 55.9% above budgeted funds for this purchase. Based on the results of the rebid other more economically advantageous options are available thus the recommendation to reject all bids.

TREE WORK AT LODI LAKE PARK

RESOLUTION NO. 91-84

CC-12.1(c)
CC-12(b)
CC-300

The City Council adopted Resolution No. 91-84 rejecting the bids for tree work at Lodi Lake park, approved amending specifications for a tree trimming contract for Lodi Lake park, and authorized advertisement for bids thereon. The bid opening date has been set for May 28, 1991.

The Parks and Recreation Department requested that the City Council reject bids for tree trimming due to confusion among the bidders regarding the size of crew and a discrepancy between the bid proposal and the contract document. Staff has prepared amended specifications and asks that these be approved so that we can move forward with our tree contract. Staff is asking for approval to utilize a tree trimming contractor for the removal of any weak or cracked limbs, lighten over burdened limbs, and inspect all crotches for splits or rotten areas in trees. The trees affected will be the poplars at Lodi Lake park.

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CONTRACT AWARD FOR WOOD POLE
TESTING PROGRAM FOR THE ELECTRIC
UTILITY DEPARTMENT

RESOLUTION NO. 91-85

CC-12(a) The City Council adopted Resolution No. 91-86 awarding the
CC-300 contract for Wood Pole Testing Program for the Electric
 Utility Department to the sole bidder Osmose Wood
 Preserving, Inc., Gresham, Oregon in the amount of
 \$14,884.44.

The Electric Utility Department has conducted a sample testing of its wood pole population and found a significant number of poles in a deteriorated condition. In order to classify the level of deterioration and determine replacement priorities, the above recommendation has been made.

It is anticipated that this testing will be performed in stages with the first stage being the 60-kv transmission system followed by age declining sections of the distribution system.

Plans and specifications for this project were approved on March 20, 1991. Only one bid was received. However, since the estimated cost of the project was \$22,000, the bid received is very advantageous to the City and thus warrants the recommended action.

CONTRACT AWARD FOR SACRAMENTO STREET
OVERLAY, LOCKEFORD STREET TO TURNER ROAD

RESOLUTION NO. 91-86

CC-12(a) The City Council adopted Resolution No. 91-86 awarding the
CC-300 contract for the Sacramento Street Overlay, Lockeford
 Street to Turner Road to Teichert Construction in the
 amount of \$230,084.25 (Base Bid + Alternate A + Alternate
 C), and appropriate \$24,000 from the Sewer Utility Fund.

This project consists of constructing an asphalt overlay, replacement of various sections of curb and gutter, and removal of the buried and deteriorated railroad tracks and ties that run down the center of the roadway. This project will also replace 760 linear feet of bad sanitary sewer pipe.

Sacramento Street will be closed for two days during the paving operation.

The bid proposal included three alternates. The items in Alternate A covered the installation of sidewalk in front of 400 North Sacramento Street. Alternate B was a price

for abandoning the 6" sanitary sewer by removal and Alternate C was a price for abandoning the 6" sanitary sewer by grouting it in place.

The quote for grouting the sewer line in place is half the cost of having it removed. The owner of 400 North Sacramento Street has agreed to pay the City for the installation of sidewalk across his frontage.

Staff is therefore recommending that the City Council award the base bid contract plus Alternates A and C to Teichert Construction and appropriate \$24,000 from the Sewer Utility Fund.

Plans and specifications for this project were approved on April 3, 1991. The City received the following three bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Base Bid + Alternate A + Alternate C</u>
Engineer's Estimate		\$274,808.15
Teichert Construction	Stockton	\$230,084.25
Claude C. Wood Co.	Lodi	\$266,299.65
Granite Construction	Watsonville	\$299,063.60

CONTRACT AWARD FOR HUTCHINS
STREET IMPROVEMENTS, PINE STREET
TO LOCKEFORD STREET

RESOLUTION NO. 91-87

CC-12(a) The City Council adopted Resolution No. 91-87 awarding the
CC-300 contract for Hutchins Street Improvements, Pine Street to
Lockeford Street to Claude C. Wood Company in the amount of
\$121,875.70.

This project will install a 30" storm drain pipe in Hutchins Street from Pine Street to Elm Street, place a pavement reinforcing fabric and an asphalt concrete overlay on Hutchins Street from Pine Street to Lockeford Street, install six wheelchair ramps, and other miscellaneous and related works. The storm drain installation and the paving operation for this project will require that Hutchins Street be closed from Pine Street to Lockeford Street.

Plans and specifications for this project were approved on April 17, 1991. The City received the following three bids for this project:

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<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$154,717.00
Claude C. Wood Company	Lodi	\$121,875.70
Teichert Construction	Stockton	\$139,922.00
Granite Construction	Stockton	\$193,641.00

CONTRACT CHANGE ORDER - ZUPO FIELD
BACKSTOP AND FENCING, 350
WASHINGTON STREET

CC-90 The City Council was given information regarding a Contract Change Order for Zupo Field Backstop and Fencing, 350 North Washington Street in accordance with the Contract Change Order policy approved by Resolution No. 85-72.

The subject contract change order, approved by the City Manager, was in the amount of \$8,556.00, which is 24% of the contract. The work includes redesign of the fence to provide 4 1/2" outside diameter posts instead of 6 5/8" outside diameter. Re-engineering, restocking charge, lost time/additional work, and Contractor markup are included in the price.

The time of completion was extended seven working days by this change order.

CONTRACT CHANGE ORDER -
GUILD AVENUE (LODI AVENUE
TO PINE STREET), LODI AVENUE
(680 FEET EAST OF CLUFF AVENUE
TO GUILD AVENUE) STREET IMPROVEMENTS

CC-90 The City Council was given information regarding a Contract Change Order for Guild Avenue (Lodi Avenue to Pine Street), Lodi Avenue (680 feet east of Cluff Avenue to Guild Avenue) Street Improvements

The subject contract change order, approved by the City Manager, was in the amount of \$4,042.55, which is 3.6% of the contract. The total of the two contract change orders for this project is now \$25,990.51. This contract change order covers an increase in asphalt concrete price and cost to repair and replace fence along the east side of Guild Avenue.

The time of completion was not affected by this change order.

PURCHASE OF SEWER RODDING
MACHINE FOR THE PUBLIC WORKS
DEPARTMENT

RESOLUTION NO. 91-88

CC-12(d) The City Council adopted Resolution No. 91-88 awarding the
CC-300 purchase of the sewer rodding machine to WECO Industries of
 Vallejo, California in the amount of \$27,351.30 and
 approved an additional \$1,591.30 over the budgeted funds of
 \$25,760.00.

Funds to purchase a sewer rodding machine for the
Water/Wastewater Division were approved in the 1989-90
operating budget and specifications were approved by the
City Council on January 2, 1991. (A special allocation
request was approved on July 17, 1990 to carry over the
funds to the 1990-91 fiscal year.) Two bids were received
and opened on April 17, 1991.

The low bidder, WECO Industries met the specifications.
The low bid exceeds the budgeted \$25,760.00 by \$1,591.30.
This increase is mainly due to inflation and the added cost
of painting the existing truck on which the rodding machine
will be mounted.

The following is a recap of the bids:

WECO Industries, Inc.	\$27,351.30
3-T Equipment Company	\$28,342.37

SOLE SUPPLIER OF MATERIALS,
PLANS AND SPECIFICATIONS AND
ADVERTISEMENT FOR BIDS FOR
INSTALLATION FOR KOFU PARK
SPORTS LIGHTING, 1145 SOUTH
HAM LANE APPROVED

RESOLUTION NO. 91-89

CC-6 The City Council adopted Resolution No. 91-89 designating
CC-12.1(c) Musco Lighting, Inc. as sole supplier and approving the
CC-300 purchase of equipment; and approved the plans and
 specifications for installation for Kofu Park Sports
 Lighting, 1145 South Ham Lane and authorized advertising
 for bids.

This project is the installation of a new sports lighting
system at Kofu Park as authorized by the City Council in
the 1990/91 Capital Improvement Program. The Boosters of
Boys and Girls Sports organization is also contributing
\$10,000 toward the cost of the project which includes new
wiring, poles, service panel, and switching for "soccer" or
"baseball " lighting.

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The project was budgeted earlier but bids received in 1989 were substantially above the amount appropriated. The project has been slightly revised to reduce costs and additional funds have been appropriated. During the intervening time, the sports lighting firm, Musco Lighting, Inc., has developed a new lighting, pole and foundation system that is very cost-effective. The system includes steel poles and a relatively easy to install precast concrete foundation with a cost comparable to that for wood poles. In the long run, the City will benefit. Lamps and wood poles require periodic re-aiming due to pole twist and, of course, pole replacement will be needed sooner than galvanized steel poles. In reviewing their product, the Electric Utility Department wrote to the Parks and Recreation Department:

"After reviewing the video tape and the literature on the 'Musco Sportspole', it is apparent that Musco has developed a lighting system that is very 'user friendly' as it relates to installation. The sportspole concept, combined with the Musco luminaire with which the City already has favorable experience, yields a very clean, efficient and effective alternative to sports facility illumination."

The bids received in 1989 included a requirement for control of light "spill" onto adjacent property. Musco was the only supplier able to meet that criteria.

Based on the above and the attached descriptive material received, staff recommended that the Council find, under Section 3.20.070, that it is in the City's best interests that Musco Lighting, Inc. be named as a sole supplier for sports lighting equipment.

Musco has provided an engineered design for the system and a price including materials, guarantee and construction assistance services. Their delivered price is \$55,835.00 plus tax.

The plans and specifications cover installation of the City-furnished Musco equipment. The time frame specified construction is August 25, 1991 through September 30, 1991 to avoid park scheduling conflicts.

PROGRAM SUPPLEMENT TO LOCAL AGENCY-STATE AGREEMENT FOR TRAFFIC SIGNALS AT KETTLEMAN LANE/MILLS AVENUE, HUTCHINS/VINE STREET, AND CHURCH STREET, LODI AVENUE TO LOCKEFORD STREET

RESOLUTION NO. 91-90

CC-7(f) The City Council adopted Resolution No. 91-90 approving
CC-300 Program Supplement #033 to the Local Agency-State Agreement and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.

This agreement covers the use of Federal-Aid Urban (FAU) funds in the Combined Road Plan for the installation of traffic signals at Kettleman Lane and Mills Avenue, Hutchins Street and Vine Street, and the update of the signals on Church Street between Lodi Avenue and Lockeford Street. This project will use all of the FAU funds in the City's account.

FINAL MAP FOR PIONEER PLACE, A SIX-LOT CONDOMINIUM, 505 PIONEER DRIVE

CC-46 The City Council approved the final map for Pioneer Place, a six-lot condominium, and directed the City Manager and City Clerk to execute the map on behalf of the City.

This is an existing lot containing 120 apartment units. The map is being filed to change the parcel to a six-lot condominium. The parcel is being split to allow the condominium conversions to take place in phases. A common homeowners' association will be formed to cover all six lots to insure timely repair and maintenance of all shared facilities. Required easements not shown on the map will be dedicated by separate instrument. All public improvements have been installed and all fees are paid.

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

DUI CHECK POINT OPERATION APPLAUDED

Council Member Pennino congratulated the Lodi Police Department on its recent D.U.I. Check Point Operation.

Continued May 15, 1991

IMMUNIZATION PROGRAM FOR
CHILDREN ANNOUNCED

Council Member Snider reminded the community that on May 21, 1991 from 3:00 p.m. to 5:00 p.m. at Heritage School, 509 East Eden Street, Lodi, the San Joaquin County Public Health Department in cooperation with the Rotary Club will be conducting an immunization program for children of this area.

REPORT ON TOUR OF NEW LIFE MISSION

Mayor Hinchman reported on a recent tour he had of the New Life Mission, indicating that it is a "fantastic" facility and asked if staff could look in to what could be done about two structures in the immediate area which are in very bad disrepair.

SUMMER YOUTH EMPLOYMENT PROGRAM
KICKOFF UPDATE

Mayor Hinchman reported on the Summer Youth Employment Program Kickoff he recently attended and talked about many of the problems being faced by young people at this time such as the recession, crime, drug problems, etc. Mayor Hinchman urged all citizens to report to the police any suspicious activities they may observe.

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:

OPPOSITION VOICED REGARDING THE
RESIDENTIAL PROJECT PROPOSED ON
4-ACRE PARCEL ADJOINING LODI
MEMORIAL HOSPITAL WEST BETWEEN
COCHRAN ROAD AND WEST VINE STREET

CC-16
CC-53(a)

Attorney-at-Law, Ron Stein representing Hilda Sanguinetti, addressed the City Council regarding a 4-acre parcel adjoining Lodi Memorial Hospital West between Cochran Road and West Vine Street expressing opposition to the residential project being proposed for the area. A letter had been received from Ronald B. Thomas, indicating that they have not completed their plans nor have they purchased the subject property and that they are attempting to find "common ground" with neighbors in the area. It is their concern that if they do not conclude their purchase, a premature action to reduce the present landowners' development rights through a rezoning would not be fair to them. The matter was referred to staff.

TRIBUTE TO ARMED FORCES BEING
HELD AT MCCLELLAN AIR FORCE BASE

Ms. Jane Bilello, 12651 Clay Station Road, Herald, CA 95638 invited the City Council and citizens of this community to attend a tribute to our armed forces being held at McClellan Air Force Base on Saturday, May 25, 1991 starting at 9:00 a.m.

RESIDENTS EXPRESS CONCERNS
REGARDING 300 WEST ELM STREET AREA

CC-16 Virginia Lahr, 311 West Elm Street, Lodi together with other residents of the area once again voiced concerns regarding their neighborhood.

PUBLIC HEARINGS

PUBLIC HEARING TO CONSIDER THE
APPEALS RECEIVED REGARDING THE
PLANNING COMMISSION'S CONDITIONAL
APPROVAL OF THE REQUEST OF WENELL,
MATTHEIS, BOWE, INC., ON BEHALF OF
TWIN ARBORS ATHLETICS CLUB FOR A USE
PERMIT TO EXPAND AND REMODEL AN EXISTING
SPORTS CLUB AT 2040 COCHRAN ROAD DENIED

CC-53(b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hinchman called for the Public Hearing to consider the appeals received from Bruce Schweigerdt, 747 South Mills Avenue, Lodi and Ron Hilder, 808 Tilden Drive, Lodi regarding the Planning Commission's conditional approval of the request of Wenell, Mattheis, Bowe, Inc., on behalf of Twin Arbors Athletics Club for a Use Permit to expand and remodel an existing sports club at 2040 Cochran Road, the City Council denied the appeal including the findings that the exercise equipment constitutes an accessory use and that the existing facilities are a conforming use in R-1 zoning.

Council Member Snider abstained from discussion and voting on the matter because of a conflict of interest in the matter. Council Member Snider then left his seat at the Council table.

The matter was introduced by staff, who advised the City Council that at its meeting of Monday, April 8, 1991 the Planning Commission conditionally approved the above described Use Permit. This action was taken after (1) three public hearings covering approximately ten hours of discussion; (2) three meetings between the developers and the neighbors; (3) the preparation of a traffic study and a

later addendum to it; and (4) major modifications to both the site plan and the proposed size and locations of the new facilities.

The Planning Commission originally considered this matter on January 28, 1991 and continued the matter (1) so that the developers and the neighbors could reach a compromise; and (2) so that a traffic study could be prepared.

The major concerns expressed at the first hearing were noise to the surrounding neighborhood, additional traffic, the expansion of a non-residential use in a single-family area and concern about children walking to Vinewood School and the park, especially along Peach Street which has no curbs, gutters or sidewalks.

The Planning Commission's second hearing on March 11, 1991 was continued because the traffic study had been conducted on a date when school was not in session because of an "In Service Day." The Planning Commission again asked that the two sides meet to work out mutually agreeable solutions.

1. The letter of approval which outlines the conditions with the approved site plan and approved square footage to be added.
2. Correspondence from Tim Mattheis, Wenell, Mattheis, Bowe, Inc. outlining the results of two neighborhood meetings conducted on March 26, and April 2, 1991.
3. The addendum to the traffic study dated April 2, 1991.
4. Correspondence from Tim Mattheis, Wenell, Mattheis, Bowe, Inc. discussing the neighborhood meeting of February 21, 1991 with the first revised site plan and comments.
5. Memorandum from the City Attorney dated March 7, 1991 discussing the Twin Arbors application.
6. The original Traffic and Parking Study for Twin Arbors Athletic Club dated March 1991.
7. A letter from the Community Development Director dated January 22, 1991 outlining the staff's original conditions for approval with the first site plan attached.

- 8. Background data which outlines the history of Sunwest Tennis and Swim Club (i.e. Twin Arbors Athletic Club).

The following letter was read into the record at the request of Dr. Ron Hilder.

Let the record of this meeting note the fact that on May 1, 1991, in public session, I requested that the matter of this appeal be delayed until July in order that I might be present to share my concerns in person. My request was denied and as a result I am submitting this document in my absence, to be read in the hearing.

I also take careful note of the statement included in the Notice of Public Hearing, namely:

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

Any member of the Council who has a business or other vested interest in this matter should consider removing themselves from this proceeding to prevent a conflict of interest. Any member of the Council who is a member of the Twin Arbors Athletics Club should also consider whether their part in these proceedings is proper.

* * * * *

I have filed this appeal on five grounds, as follows:

- 1. The legality of the proposal;
- 2. The absence of an environmental impact statement;
- 3. The hours and manner of operations of the club;
- 4. Traffic safety; and
- 5. History of poor planning.

A detailed discussion of each of these points follows, and I would suggest that the Council consider each concern separately in order to facilitate comment, discussion, and an orderly process.

THE LEGALITY OF THE PROPOSAL

On March 7, 1991, City Attorney Bob McNatt issued a memo on the subject of the application of Twin Arbors Tennis Club, the result of a request by City staff. I believe that this request was initiated due to neighbor concerns as to the legality of the new and expanded club to exist within an R-1 zoned area.

Mr. McNatt's memo unfortunately is limited in scope and only addresses "...whether exercise machines constitute an accessory use to the general classification of 'recreational facility'".

It is true that the neighbors were concerned about this facet of club operation; however, the overriding issue was the legality of permitting a commercial enterprise of this nature to operate within an R-1 zoned area. This is clearly evident in the petition submitted by neighbors which was presented to the Planning Commission prior to the March memo:

We the undersigned are concerned that Twin Arbors Athletic Club's remodel and expansion be in accordance within residential use and zoning of our neighborhood. That this unprecedented expansion of a commercial entity in a purely single-family residential area be weighed heavily toward the preservation of our neighborhood, the protection of our property values and the safety of our children. We cannot express strongly enough that this is a residential neighborhood zoned R-1 single-family. The property owners in those single-family homes should be the singularly most important consideration of your action. (29 signatures representing 17 neighboring households.)

In his memo Mr. McNatt cites the relevant section of the Zoning Ordinance (17.09.030-G), but ends his reference by failing to include the most germane point of the section, to wit:

"The following uses are permitted in the R-1 district subject to securing a use permit: ...(G). Golf course (excluding miniature golf course) and similar recreational uses of a noncommercial nature " (emphasis added).

There is simply no disputing the fact that the proponents of this development, a Sacramento-based corporation, are

seeking to expand a presently non-conforming facility into a full-blown commercial enterprise. The tremendous capital investment that they are making is predicated on a cost-benefit ratio of 3 times current membership. Spare-Time Inc. seeks to "serve" its present customers by increasing demand and usage by 3-fold. There has been no responsible accounting on the part of the developer as to the impact such an increase will have on the surrounding neighborhood; and their assertion that any negative impact will be "mitigated" through the use of shrubbery and a block wall on the north-west corner of the property, and some trees on the north-east corner is plainly ludicrous.

The original Sun West facility was established as a private tennis and swim club. The 8/16/71 application for a county Use Permit, and the subsequent hearing clearly document this intent of the original developers.

When the facility was annexed by the City in April 1972, it existed as a private tennis and swim club. Over the years the club as evolved (illegally) into a "tennis, swim, and fitness club (emphasis added, Use Permit Application 12/11/91). There is nothing in the records to show that a Use Permit was sought by the owners prior to expanding the club's operation to a fitness center." In fact, the conversion of the then existing and approved handball court into a weight room was declared by City inspection to be an "illegal conversion" (4/8/91 letter).

It has been argued that the facility represents a nonconforming use as defined in section 17.03.390 of the Zoning Ordinance. This may very well be true; however, it is my position that in its original use as a tennis and swim club the facility was a nonconforming use when annexed to the City. But in its present form, as a tennis, swim, and fitness center it is an illegal usage; one that was never reviewed and approved by City officials.

It has been argued that the fitness services offered by the facility are an accessory use as defined in section 17.03.030 of the Zoning Ordinance, a use which is only incidental to those of the general use of the facility. However, after listening to the proponents of the new and expanded club it is clear that the fitness services that the club plans to offer represent a substantial component of the clubs program. It is highly questionable that fitness services are currently an accessory use in light of the fact that the applicants themselves have included the designation as a "Tennis, swim and fitness club" on their 12/90 application for the Use Permit in answer to the question, "Present Land Use".

Furthermore, when architect Tim Mattheis submitted figures for calculating the parking spaces required for the project

he foresaw this usage: Pool, 20 spaces; Tennis Courts, 26 spaces; Exercise services, 31 spaces. Clearly the proponents are seeking to develop more than a tennis and swim club. The City of Lodi is being asked to legitimate a commercial enterprise which has illegally evolved over the years.

There are other pertinent definitions found within the Zoning Ordinance which need to be considered by the Council. The first deals with the term club found in section 17.03.190. "'Club' means an association of persons for some common nonprofit purpose, but not including groups, organized primarily to render a service which is customarily carried on as a business". Technically it is questionable if this facility was ever a "club". Presently to refer to Twin Arbors as a "club" is euphemistic at best, and fictitious at worst.

The other definition appearing within the Zoning Ordinance which the Council needs to consider is that of business or commerce (17.03.170): "'Business' or 'commerce' means the purchase, sale or other transaction involving the ...disposition of any...service for profit or livelihood, including office buildings, offices, recreational or amusement enterprises".

Clearly, this proposed commercial facility, which will employ 10 - 12 persons during peak usage hours, if allowed to exist within an R-1 zoned area, renders meaningless the Zoning Ordinance of the City.

If I understand the Zoning Ordinance correctly, realizing the nature of this proposal, the appropriate zoned district for the project is that of P-D (Planned Development) which is "...designed to accommodate various types of development...which can be made appropriately a part of a planned development (17.33.020)...In a P-D zone any and all uses are permitted: provided that such use or uses are shown in the development plan for the particular P-D zone as approved by the City Council (17.33.030)".

NO ENVIRONMENTAL IMPACT STATEMENT

As part of their application for a use permit, the proponents are required to file for an Environmental Assessment. This was done; however, City staff determined that the project was categorically exempt from a formal assessment. It is my view that this exemption was granted erroneously.

The California Environmental Quality Act does provide for categorical exemptions; however, this project does not meet the criteria for exemption. When it addresses existing facilities (article 19, section 15301-e) the allowance for

exemption only applies if the addition to the existing facility is no more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less; or 10,000 square feet or less if the area in which the project is located is not environmentally sensitive.

The Use Permit Application which accompanied the request for environmental assessment is clear in stating that the plan calls for a continued present use, "...with remodel of 4,500 sf of clubhouse with 10,300 sf of additional...facilities". These numbers simply do not allow for an exemption, and one should not have been declared.

The developers have repeatedly been asked to provide their assessment as to the impact their club, slated to increase 3-fold, will have on the neighborhood. They have either been unwilling or unable to respond to this reasonable request. Their assertion that an expanded facility would enhance the values of neighboring properties has consistently been met with scorn by the neighbors themselves. Because the City has exempted the developers from an EIS there is no one who can provide an objective report as to the project's environmental impact.

HOURS OF OPERATION

The statement of use which the proponents filed with their application stated that "...Hours of operation will be from 5:30 a.m. to 11:00 p.m. (section entitled "Proposed Land Use)". A legitimate concern on the part of the developers for the R-1 zoned area would have revealed that the current Use Permit was amended in 1979, "...to include the condition that the club not operate before 7:00 a.m. for the months of June, July and August and 8:00 a.m. the remainder of the year..." the result of neighbor concerns.

At the February 21, 1991 meeting between the proponents and neighbors, Mr. Mattheis clearly stated that "The club hours will not permit outdoor recreation activity - swimming, tennis, or basketball - before 8:00 a.m. all year." This statement was also issued in writing and submitted to the Planning Commission as such (letter of 3/7/91, addressed to Jim Schroeder).

The matter of closing hours has also generated much confusion. Because of neighbor concerns the proponents stated at the March 11 meeting that the club would close by 10:00 p.m.; however, it is obvious now that this promise never materialized in written form. In granting the Use Permit the Planning Commission granted the hours that the proponents wished: 7:00 a.m. - 11:00 p.m., May through August; 8:00 a.m. - 11:00 p.m., the remainder of the year.

How could these closing hours possibly fit into an R-1 zoned district? The Noise Regulation Ordinance (No. 1449) of the City of Lodi, enacted in 1989, states that, "The standards which shall be considered in determining whether a violation of this section (public nuisance noise) exists shall included, ...whether the nature of the noise is usual or unusual for the area and hour (emphasis added). Also considered in this section is the "...proximity of the noise to residential sleeping facilities; the nature and the zoning of the area within which the noise emanates, etc. (section 9.20.020).

In a later section (9.20.030) the noise ordinance establishes 10:00 p.m. as the hour when noise can no longer be generated. What is the purpose of a city-wide noise ordinance calling for a 10:00 p.m. standard for noise elimination when the Planning Commission grants a Use Permit to a facility, located in the heart of a residential area, which allows for operation until 11:00 p.m.?

TRAFFIC SAFETY

Although my residence is not located on one of the streets which will be adversely affected by this development, I have a great deal of sympathy for the concerns of those neighbors.

The Council may, or may not be aware, that the final proposal by the developers called for a 3-way stop corner at Peach and Cochran streets. The Planning Commission discussed this, however, deferred to the Council for action sometime this summer, and proceeded to approve the permit anyway.

HISTORY OF POOR PLANNING

In March of 1981 the Council was confronted with another situation related to the sister facility of Twin Arbors. The problem centered around the lack of proper parking spaces for the Lodi Sports Center, located on South Hutchins. One man who testified before the Council called the parking problem the biggest snafu every committed by the City's Planning Commission.

Mayor Walter Katnich was especially disturbed by the developments stating that "Word does get around that the said proprietors of the club are having a good laugh...that it's the City's problem...I don't really appreciate the fact that they think they pulled a fast one on us".

The reporter covering the meeting noted that when Mr. Schroeder was asked to explain the snafu in planning he said that his department and the Planning Commission had

little previous experience on parking requirements of such clubs when the proposal came before them.

"We had never dealt with a racquetball club before," he said. "The assumption was that the people building the racquetball club know more than we did. Obviously, none of us knew anything." ("Council stymied by club parking woes", Lodi News-Sentinel, March 19, 1981)

There has been a long history of problems with these clubs. Over the past six years since Spare-Time has owned the Cochran Road facility, it has steadily deteriorated in appearance, function and use. They now hope to renovate the facility and turn it into a profit-making venture. There is no doubt in my mind that if successful in this regard, that profit will come at the expense of the residential neighborhood. We do not want the south Hutchins Street problems transferred to Cochran Road.

We have a Zoning Ordinance, designed to establish districts within the community where appropriate development can occur. There is simply no way that a permit should be granted for a facility of this nature to be built in the middle of an R-1 zoned area. To allow the granting of this use permit would establish a very troubling precedent.

Bruce Schweigerdt, MA

Speaking on behalf of his appeal was Dr. Ron Hilder, 808 Tilden Way, Lodi.

Addressing the City Council in opposition to the appeal were the following persons:

- a) Carolyn Vocker, 433 Clowe Court, Lodi;
- b) Christy Savage, Attorney-at-Law, Hefner, Stark, Marios, 2710 Gateway Oaks, Sacramento, representing Spare Time, Inc.;
- c) Tim Mattheis, Wenell, Mattheis, Bowe, Inc., 222 West Lockeford Street, Lodi;
- d) Alan Goldberg, 912 Evert Court, Lodi;
- e) Joseph Velasquez, 1519 Amber Leaf Way, Lodi;
- f) Greg Hennefer, 500 Evergreen Drive, Lodi;
- g) Lou Wallman, 773 Rivera Court, Woodbridge;
- h) Robert Riggle, 712 North Cross Street, Lodi;

- i) Jan Dobler, 2216 West Cochran Road, Lodi;
- j) Barbara Berris, 2138 West Vine Street, Lodi;
- k) Cheryl Marini, 840 Tilden Drive, Lodi; and
- l) David Holmes, 1080 Port Chelsea Circle, Lodi.

Dr. Ron Hilder again addressed the City Council presenting rebuttal to arguments given by persons opposing the appeal.

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

On motion of Council Member Sieglock, Hinchman second, the City Council denied the appeals of Dr. Ronald R. Hilder and Mr. Bruce Schweigerdt of the Lodi City Planning Commission's conditional approval of the request of Tim Mattheis, Wenell, Mattheis, Bowe, Inc., on behalf of Twin Arbors Athletic Club for a Use Permit to expand and remodel an existing facility (i.e. Sunwest Tennis and Swim Club) at 2040 Cochran Road in an area zoned R-1, Single-Family Residential and made the following findings relating to the matter:

- 1) that the existing facilities at 2040 Cochran Road are a conforming use in an R-1, Single-Family Residential zone; and
- (2) that the exercise equipment and related facilities constitute an accessory use.

The motion carried by the following vote:

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

Noes: Council Members - None

Abstain: Council Members - Snider

Absent: Council Members - None

Council Member Snider returned to his place at the Council table.

RECESS

Mayor Hinchman declared a five-minutes recess and the City Council meeting reconvened at approximately 9:55 p.m.

PUBLIC HEARING REGARDING
ENGINEERING FEES UPDATE

RESOLUTION NO. 91-91 ADOPTED

CC-56
CC-300

Notice thereof having been published according to law, an affidavit of which publication is on file in the City Clerk's office, Mayor Hinchman called for the public hearing regarding engineering fees update.

The matter was introduced by Assistant City Engineer Richard Prima who advised the City Council that on July 21, 1976, the City Council passed Resolution No. 4236 which established an engineering fee on new subdivisions and developments. That fee amounted to 3% of the off-site improvement cost estimate used to determine the project's improvement security. The purpose of this engineering fee was to cover the City's cost of processing and checking improvement plans and maps, and construction inspection. It did not include clerical or management costs such as the Public Works Director, City Attorney, etc.

Until four years ago, there was a fairly close balance between revenue collected from the engineering fee and expenses charged to the subdivision engineering account. In total, since 1976, expenses have exceeded revenues by \$312,000. However, since 1986/87, the revenue from the engineering fee only covered one half of the expenses for subdivision engineering. Annual expenses and revenue were presented for City Council review. Both have fluctuated with development activity.

A major reason for the growing difference between revenue and expenditures is two different types of development in the City. The first is "in-fill" projects in which most off-site improvements are already existing. These typically require minor off-site modifications. The work involved in field reviewing and designing new work to match existing improvements is disproportionately higher than just new work. The fee collected is lower because it is based solely on a percentage of the cost for installing publicly-maintained facilities. There should be fewer of these projects in the future.

The second type of project includes those with private streets and utilities. These types of projects typically have a homeowners' association to maintain the streets, sanitary sewer, and storm drain systems. The on-site water systems through these developments are publicly owned and maintained and are reviewed by the Public Works Department. Again, these projects require nearly as much effort as a standard subdivision. An engineering fee is paid for the review of the public water system and for any other publicly-maintained street improvements. Because the

interior streets, storm drain, and sanitary sewer systems are privately maintained, their improvement costs are not included in the calculation of the engineering fee. This type of project will continue to be developed under the new General Plan.

There are also some projects which include subdivision or parcel maps. No map processing or review fee is presently charged. San Joaquin County provides technical review of final maps. The City checks parcel maps and does easement and other checking on all maps.

A new method of collecting the plan check fee would also alleviate another existing problem. No fees are collected until the improvement plans and maps have been reviewed and the developer is ready to start construction. Staff has spent considerable time reviewing some projects that are never constructed or are redesigned before construction and therefore no fees were collected.

Other reasons for increased expenses include the following. The only administrative time charged to the subdivision engineering account is a portion of the Assistant City Engineer's time. At the inception of the fee, this portion was 30%; however, a few years ago it was increased to 40% based on an updated time analysis. Also, the Senior Civil Engineer (who charges time by time card) now supervises the inspectors; thus, some engineering time is now charged as part of inspection that was not done earlier.

Comparison With Other Cities

San Joaquin County and the cities of Stockton, Tracy, Galt, and Manteca were contacted to see how their engineering fees were collected. The rates vary, although a sliding scale is common, as well as separate fees for maps.

Fee Increase

If the City is to attempt to cover most of its costs in processing new developments, an increase in the fee is needed. Exhibits presented indicate recent historical data and estimates of future expenses. Based on estimates of future expenses, a 41% increase is needed, assuming fees already cover costs. However, this is not the case. Based on three recent years, a 117% increase would have been necessary to break even.

Since much of new development will not have the same characteristics as recent development and the updated design standards will place some of the City's past work onto development, staff has developed the recommended fee schedule to provide an average increase of 80%. The exact

revenue increase will depend on the size mix of developments due to the sliding scale. An analysis based on three recent years was presented. This recommended fee represents a 10% reduction from that presented at the shirtsleeve meeting on April 9. A subsequent public meeting with local engineers and developers was scheduled for 2:00 p.m., April 26, at the Carnegie Forum. Notices were sent to 11 local design professionals and developers. No one attended the meeting.

Recommendations

Based on the above discussion and that from the shirtsleeve meeting of April 9, the following revisions are recommended for collecting a Public Works engineering fee.

1. Charge a sliding scale fee for reviewing and processing improvement plans. The fee would be 4.5% of the engineer's estimate for the first \$50,000 worth of off-site improvements, 2.5% of the engineer's estimate for the next \$200,000 worth of off-site improvements, and 1.5% of the engineer's estimate for the cost of all off-site improvements above \$250,000.
2. Collect a "deposit" on the improvement plan check fee with the first submittal of a set of improvement plans. This non-refundable, initial plan check fee would be \$750 per sheet, or the engineer may submit a preliminary cost estimate with a submittal fee based on that estimate and the above fee schedule. The plan check submittal deposit would be credited toward the engineering fee collected prior to signing the improvement plans provided this takes place within one year of submittal or there are no substantial revisions to the plans. Plans submitted 12 months after the initial plan submittal would pay another initial plan check fee.
3. Charge a \$200 fee for processing subdivision final maps. This non-refundable fee would be due upon map submittal.
4. Charge a fee of \$250 plus \$10 per lot for checking and processing parcel maps. This non-refundable fee would be due upon map submittal.

5. Collect an inspection fee of 2.5% of the engineer's estimate for off-site improvements.
6. Rescind Resolution No. 4236 and adopt a new fee resolution implementing the above items. (Reference Lodi Municipal Code §§12.04.150, 15.44.090 and 16.20.020.)

Addressing the City Council regarding the matter was Steven Pechin, Baumbach and Piazza, 323 West Elm Street, Lodi who requested that the fees be reviewed on an annual basis.

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

On motion of Council Member Pennino, Snider second, the City Council adopted Resolution No. 91-91 entitled, "A Resolution of the Lodi City Council Amending the City's Engineering Fees and Related Procedures, and Rescinding Resolution No. 4236 Pertaining Thereto".

PUBLIC HEARING REGARDING PUBLIC
IMPROVEMENT DESIGN STANDARDS

RESOLUTION NO. 91-92 ADOPTED

CC-6
CC-158
CC-300

Notice thereof having been published according to law, an affidavit of which publication is on file in the City Clerk's office, Mayor David Hinchman called for the public hearing regarding Public Improvement Design Standards.

The matter was introduced by Assistant City Engineer Richard Prima who advised the City Council that on February 21, 1991, draft design standards for public improvements were sent out for comment to nearly 50 engineers and developers plus the City Council and Planning Commission. This draft is a complete rewrite of the standards adopted in 1976. The Introduction, Storm Drainage and Miscellaneous sections were written by City staff. The Water section was written by City staff based on information supplied in the Water Master Plan by Psomas & Associates. TJKM (streets) and Black & Veatch (wastewater) prepared recommended design standards as part of their work on the respective Master Plans. Their work was somewhat revised and edited by City staff to conform to the organization of the other sections.

Major changes from the 1976 standards were outlined. Some changes were made in the draft since February 21, partly based on comments received at a public meeting held March 12 at which one engineer and two developers attended. No

other comments were received. A few errors have been corrected.

The standards were reviewed at a Council "shirtsleeve" meeting on April 9 where an additional change regarding sight distance and right-of-way fences was described.

The standards do not include the following items which the Council may wish to direct staff for future action:

Fences and Landscaping - The Standards were silent as to criteria for landscaping and reverse frontage fences whether publicly or privately owned and maintained. Staff feels that this should be specifically addressed in the project approval stage. If written minimum requirements are desired, they should be developed with SPARC and/or the Planning Commission and added to the Standards at a later date. The fact that these issues are not included was specifically added to Section 1.301, General Design.

Parkways - A standard street section incorporating trees and a landscaped parkway between the curb and sidewalk in new subdivisions has been discussed. Such a standard would either:

- ° Require substantially more right-of-way, thereby increasing the cost of new homes; or
- ° Require a change in the zoning code to provide for reduced front yard setbacks (except for garages). Staff feels this should be addressed by the Planning Commission.

Addressing the City Council regarding the matter was:

- a) Melissa Harmuth Joshi, State of California, Department of Transportation.

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 Sieglock, Pinkerton second, the City Council adopted Resolution No. 91-92 entitled, "A Resolution of the Lodi City Council Adopting Design Standards for Public Improvements".

Continued May 15, 1991

APPEAL OF J.J.S. WAREHOUSE TO
THE NOTICE OF FIRE HAZARD AND
ORDER TO ABATE ISSUED BY THE LODI
FIRE DEPARTMENT ON SEPTEMBER 28, 1990
DENIED

CC-24(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 continued public hearing to consider the appeal of J.J.S. Warehouse to the Notice of Fire Hazard and Order to Abate issued by the Lodi Fire Department on September 28, 1990.

Fire Chief Larry Hughes advised the City Council that the subject appeal was to be heard at the regular City Council meeting of December 19, 1991. It was continued to allow for the Fire Department and the appellant, Mr. Anton Sitter to meet and discuss the requirements placed on his business. It was the intent of both parties to attempt to reach a solution to the concern about the Fire Department's interpretation of the Uniform Fire Code. After several meetings, written correspondence, and an additional delay in holding the Public Hearing, the Fire Department is prepared to proceed with the public hearing.

The Fire Department believes that its interpretation of the Uniform Fire Code is correct. We have conferred with the Uniform Fire Code Coordinator from the International Conference of Building Officials for input on our interpretation. We have met with Mr. Sitter and his attorney to further clarify the requirements. We have toured his facility and written several letters in which we have defined the Code requirements. To date I am unsure of Mr. Sitter's intent regarding compliance with the requirements as I have had no written or verbal response to my final letter. Should I receive a response I will share it with the Council.

The Fire Department is comfortable with the requirements as stated in our final letter to Mr. Sitter and we are hopeful that he will agree to make the needed alterations to his facility. We are also open to granting him time to complete the work required.

Included in the Council packets were copies of the most recent letters which were mailed to Mr. Sitter. These letters include the Fire Department's requirements which are issued under the authority of the Uniform Fire Code and the Lodi Municipal Code. Staff feels that these minimum nationally recognized standards provide the City with good fire protection and should be enforced to insure a reasonable degree of fire and life safety in our community.

Copies of the following documents were included in the Council packets as background information for the City Council:

- * July 31, 1989 Letter regarding original fire inspection of facility.
- * September 12, 1989 Letter responding to Mr. Sitter's questions regarding original inspection.
- * January 22, 1990 Letter of response from Western Fire Chiefs.
- * September 28, 1990 Letter responding to questions raised by Mr. Sitter at meeting of September 27, 1990 and further clarification of issues.
- * September 28, 1990 Notice of Fire Hazard and Order to Abate.
- * October 24, 1990 Notice of Appeal filed by Mr. Sitter.
- * March 6, 1991 Letter outlining agreements and addressing questions from March 4, 1991 meeting.
- * March 27, 1991 Letter addressing further questions from Mr. Sitter which were delivered to Chief Hughes at a meeting with Attorney H. Horstmann.
- * April 11, 1991 Final letter addressing questions raised by Mr. Sitter during a tour of the facility on April 9, 1991.

Mr. Anton Sitter, J.J.S. Warehouse, 23 Maxwell Street, #C, Lodi addressed the City Council indicating he wished to withdraw his appeal and asked that he be granted a period of time to bring his operation into compliance with the Uniform Fire Code.

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 directed to the Fire Chief and to Mr. Sitter, the City Council on motion of Council Member Snider, Pinkerton second, denied the appeal and allowed the owner Anton Sitter until January 31, 1992 to bring his operation into compliance with the Uniform

Continued May 15, 1991

Fire Code. The motion carried by a unanimous vote of the City Council.

PLANNING COMMISSION City Manager Peterson advised the City Council 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's Contract Administrator, the City Council on motion of Council Member Snider, Pennino second, denied the following claims and referred them back to the City's Contract Administrator:

- a) Julie Cofer, Date of loss 2/11/91;
- b) C. Nicholas Hansen, Date of loss 11/15/90;
- c) Randy S. Kiriu, Date of loss 3/19/91; and
- d) Harold G. Moore, Date of loss 9/15/90.

ABC LICENSE
APPLICATIONS

CC-7(f) City Clerk Reimche presented an application for Alcoholic Beverage Control License which had been received for Ernestine and Joe Esparza and Gloria Gomez, Espargo, 212 South School Street, Lodi, Small Beer Manufacturers, Original License.

OVERHEAD DOOR CORPORATION,
1220 VICTOR ROAD, LODI
NOTIFIES CITY OF ITS CLOSING

City Clerk Reimche presented a letter which had been received from Overhead Door Corporation, 1220 Victor Road, Lodi, notifying the City of Lodi that pursuant to the provisions of the Federal Worker Adjustment and Retraining Notification Act it will be closing permanently.

PETITION REGARDING SAFETY
PROBLEM BEING ENCOUNTERED
ON BOTH SIDES OF LOCKEFORD
STREET BETWEEN CHURCH AND
HUTCHINS STREET

CC-16 City Clerk Reimche presented a petition submitted by Alice
CC-24(b) M. Stover regarding a safety problem being encountered on both sides of Lockeford Street between Church and Hutchins

Street asking that semi-truck parking be limited to two-hour parking, including evenings and weekends.

Addressing the City Council regarding the matter were:

- a) Ray Schatz, 412 Gerard, Lodi;
- b) Carol Willmet, 709 Olive Court, Lodi; and
- c) Richard Ebstine, 709 Olive Court, Lodi.

On motion of Council Member Snider, Pinkerton second, the City Council referred the matter to staff for review and recommendation.

REGULAR CALENDAR

TURNER ROAD - LODI LAKE PARK
TRAFFIC STUDY

RESOLUTION NO. 91-94

CC-48(a)
CC-300

The City Council was advised that as requested by City Council at the March 6 meeting, Public Works staff has performed a speed zone survey on Turner Road at Lodi Lake Park and prepared a plan and cost estimate for an overhead flashing beacon at the crosswalk in front of Lodi Lake Park. The March 6 Council Communication text is attached as additional information.

The 145' "No Parking" zone west of the park exit (for added visibility) was installed as requested by Council at the March 6 meeting.

Presented for City Council review was a speed zone survey for Turner Road from the west City limits to Ham Lane. Staff's recommendation is to reduce the existing speed limit between Mills Avenue and Ham Lane from 40 mph to 35 mph. The reason for this speed limit reduction is because the accident rate in this segment has nearly doubled from 2.30 to 4.10 ACC/MVM since the 1989 speed survey. This rise in accident rate is not apparent to drivers and is therefore a valid reason to reduce the speed limit. The narrative attached to the speed zone survey provides additional information regarding this survey.

The plan for the overhead flashing beacon was presented for Council review. The flashing beacons would be mounted on a mast arm extending over Turner Road. Mounted on this overhead mast arm will be one pedestrian crossing sign and one flashing beacon for each direction of traffic. The easterly crosswalk will also be removed to channelize pedestrians to the crosswalk with the flashing beacon. This is the crosswalk that met flashing beacon warrants.

The visibility of this crosswalk will be improved by adding diagonal striping through the crosswalk. The westbound post-mounted pedestrian sign and pavement legend will be relocated to the remaining crosswalk. Visibility of the overhead flashing beacon at the proposed location appears to be adequate; however, upon installation staff will determine if some tree trimming will be necessary. The cost estimate for this installation is approximately \$5,000.

The future traffic signal at Turner Road and Mills Avenue, is planned for installation under the railroad crossing improvement program. While funding is available, the schedule will depend on the Southern Pacific railroad doing their portion of the work. This signal will assist in providing gaps in traffic for pedestrian activity across Turner Road at Lodi Lake.

In addition to the information requested by Council, staff has contacted the Parks and Recreation Department to determine if a visibility screen can be added to the 500' of chain link fence along the beach area. The visibility of sun bathers in the upper beach area is a distraction and could be related to accidents in the area, especially rear-end accidents. The Parks Department has reviewed this suggestion and agrees that a visibility screen is reasonable. However, the shallow footing of the fence posts and the post thickness is not adequate to handle the additional wind load created by full screening. The Parks Department will install some test sections of alternating slats to see if something short of full screening will be adequate in the hopes of avoiding replacing the entire fence. Council will be kept abreast of this situation.

RECOMMENDATION: Staff recommends the approval of the Turner Road speed survey and the flashing beacon installation. Upon approval, staff will expedite the speed limit signing and flashing beacon installation as the beach area is scheduled to open on Memorial Day weekend (May 25).

Addressing the City Council regarding the matter was Ms. Michelle Lowery, 1210 West Turner Road, Lodi.

Following discussion, on motion of Council Member Hinchman, Snider second, the City Council adopted Resolution No. 91-94 amending the Traffic Resolution No. 87-163 to approve the Turner Road speed zone survey from the west City limits to Ham Lane and approved the installation of a flashing beacon at a cost of \$5,000 which funds are to be allocated from Transportation Development Act (TDA) funds. The Parks and Recreation Department was directed to look at possible ways to screen the "rise" area south of the beach area adjacent to Turner Road.

GRANT APPLICATION FOR LODI
LAKE PARK IMPROVEMENTS APPROVED

CC-175

The City Council was advised that Staff has been in contact with the National Grant Services, a small California firm in the business of obtaining State grant funding for local public agencies for parks and recreation facilities construction and improvements. The two principals in the firm have had considerable experience in developing public sector park and recreation facilities and in so doing have developed key contacts with various State offices in Sacramento. Parks and Recreation Director Ron Williamson, Parks Superintendent Scott Essin and the City Manager have met with the principals and now feel confident of the firm's ability to deliver some grant funding. Specifically, the discussions have centered on the availability of a grant in the amount of \$300,000 from the State's Department of Boating and Waterways (Boating Facilities) for the construction on the west side of Lodi Lake of a boat launching ramp, restrooms and parking facilities. The City's only commitment at this time is a retainer of \$3,000. If the firm is successful in obtaining this grant for the City, the fee would be 10% of the first \$100,000, and 8% of the next \$200,000. This is a total of \$26,000, a substantial portion of which could be financed with grant fund proceeds. The retainer of \$3,000 would apply to the total fee charged. The risk is minimal; the potential benefits are substantial. The proposed improvements are substantially in conformance with the Lodi Lake Park Master Plan.

Addressing the City Council regarding the matter and responding to questions was Parks and Recreation Director Ron Williamson.

On motion of Council Member Snider, Pinkerton second, the City Council approved retaining the firm National Grant Services to pursue the filing of a grant application with the State of California for certain improvements at Lodi Lake Park and authorized the allocation of \$3,000 from the Contingent Fund.

CITY SPONSORSHIP OF COUNTY
CONSERVATION FAIR APPROVED

CC-6

The City Council was advised that the annual County Conservation Fair at Micke Grove has grown to a significant community event. The City of Lodi has been a participant in the past, but to date has not been a sponsor. This year the City is being asked not only to take part as an exhibitor, but as a sponsor as well. The Conservation Fair focuses on the conservation of natural resources. The City Council received a copy of a letter received from Mr.

Kenneth Nieland, Micke Grove Zoo Director, who is coordinating this year's event.

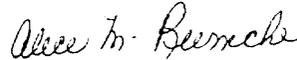
The Conservation Fair is seeking to develop a budget of \$10,000. Commitments have already been received from California Waste Removal Systems, McDonald's, Pacific Gas & Electric Co., and Sunrise Sanitation Service, Inc., of Stockton.

On motion of Council Member Hinchman, Snider second, the City Council approved the participation of the City of Lodi as a sponsor of the annual County Conservation Fair at a cost of \$1,000 which funds are to be allocated from the Water Fund Operating Reserve.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Hinchman adjourned the meeting at approximately 11:20 p.m. to Tuesday, May 28, 1991 at 7:00 a.m.

ATTEST:



Alice M. Reimche
City Clerk