

CLAIMS CC-21(a) Claims were approved in the amount of \$2,153,065.17.

MINUTES The Minutes of July 31, 1991 (Special Joint Meeting with the Lodi Planning Commission) were approved as written.

1991-92 TAX RATE FOR BOND
INTEREST AND REDEMPTION SET

RESOLUTION NO. 91-153

CC-21(a) The City Council adopted Resolution No. 91-153 establishing
CC-177 the 1991-92 tax rate for bond interest and redemption at
CC-300 1.53 cents per \$100 of assessed valuation.

The City Council was apprised that it will be necessary to set a property tax rate for 1991-92 in order to return sufficient funds to pay City of Lodi's annual debt service. The debt service is for the bonds authorized by the voters in 1965.

The 1991-92 net secured roll for Lodi is estimated to be \$1,947,997,780. The tax rate needed to generate sufficient funds for bond debt service is calculated to be 1.53 cents per \$100 of assessed value. This rate includes an allowance for delinquent payments and an adjustment for increased prior year revenue. The rate is a decrease of .17 cents from the previous year.

FINANCE DIRECTOR/TREASURER
DIXON FLYNN APPOINTED TO
DEFERRED COMPENSATION
COMMITTEE

RESOLUTION NO. 91-154

CC-6 The City Council adopted Resolution No. 91-154 appointing
CC-300 Finance Director Dixon Flynn to the City's Deferred Compensation Committee.

The Deferred Compensation Committee oversees the City of Lodi's deferred compensation plan. The membership of this committee is appointed by the City Council.

Retired Finance Director Bob Holm had been a member of this committee since its inception in 1977. Having the Finance Director on the committee adds some expertise not otherwise available.

PLANS AND SPECIFICATIONS FOR
1991 ASPHALT OVERLAYS PACIFIC
AVENUE AND WALNUT STREET APPROVED

CC-12.1(c) The City Council approved the plans and specifications for 1991 Asphalt Overlays Pacific Avenue and Walnut Street and authorized advertising for bids.

This project will place a pavement reinforcing fabric and an asphalt overlay on Pacific Avenue (Walnut Street to Elm Street) and Walnut Street (Pacific Avenue to Ham Lane). Because the streets must be closed during the paving operation, we are trying to schedule this project so that the contractor will be paving while Lodi High School is on vacation (October 7 through 18).

SPECIFICATIONS AND ADVERTISEMENT
FOR BIDS FOR THREE PICKUP TRUCKS
FOR THE COMMUNITY DEVELOPMENT
DEPARTMENT APPROVED

CC-12.1(b) The City Council approved the specifications for three pickup trucks for the Community Development Department and authorized advertising for bids thereon.

Funds to purchase three pickup trucks for the Building Inspection Division of the Community Development Department were approved in the 1990-91 Budget. These units will be used for inspection purposes.

SPECIFICATIONS AND ADVERTISEMENT
FOR BIDS APPROVED FOR DIAL-A-RIDE
STATION WAGON APPROVED

CC-12.1(b) The City Council approved the specifications for one Chevrolet Station Wagon and authorized advertising for bids thereon.

Funds to purchase one Chevrolet Station Wagon for Dial-A-Ride were approved in the 1990-91 Budget. The unit will replace wagon #11 which has 108,500.

PURCHASE OF EQUIPMENT MANAGEMENT
SOFTWARE FOR EQUIPMENT MAINTENANCE
DIVISION APPROVED

RESOLUTION NO. 91-155

CC-12(d)
CC-300 The City Council adopted Resolution No. 91-155 approving the purchase of Equipment Management Software for the Public Works Equipment Maintenance Division from Prototype Incorporated in the amount of \$9,545.00.

The City Council was advised that in fiscal year 1989-90, computer hardware and software for the City's Equipment Maintenance Division was approved and \$14,210.00 allocated. Due to delays in purchasing and installation, the hardware was not received until spring of 1991.

A computerized Equipment Management Information System will be utilized to maintain preventative maintenance schedules, coordinate work orders, track repairs, improve and reduce inventory, document equipment costs, identify warranties, manage staff, predict major repair needs, and determine life cycles of equipment and vehicles.

Equipment Management Software will provide immediate information on all pieces of equipment, reduce paperwork and downtime, track expense and repair history, schedule motor pool vehicles, keep fuel accounts, and provide better labor and vehicle analysis than available through current record keeping.

Several software systems have been evaluated over the past two years. Equipment Maintenance personnel have attended trade shows, software demonstrations, and received written information on numerous software packages. We have visited and talked with other cities and public agencies for their recommendations and experience. We have experimented with several software packages on our own microcomputer, and conducted conference call demonstrations/training sessions, as well. Four systems were evaluated in detail.

Although formal proposals were not solicited due to the variety of systems and features available, adequate comparisons have been completed in order for us to recommend purchase of a software system that meets all current needs, allows for future growth, and includes standard features that other vendors list as additional cost options.

The Equipment Management System (EMS) from Prototype Incorporated will cost \$7,000.00, plus tax, for the single-user version. \$1,500.00 for one and one-half (1 1/2) days of on-site training and associated expenses shall be allocated, plus approximately \$500.00 for miscellaneous expenses.

EMS/PC single user	\$7,000.00
7.75% sales tax	545.00
Training	1,500.00
Miscellaneous	<u>500.00</u>
TOTAL	\$9,545.00

It is also requested that the balance of budgeted funds (approximately \$800.00 after software purchase is complete)

be transferred to the Equipment Maintenance Administration account to help provide for temporary secretarial salary for initial data input.

REPORT ON MASTER STORM DRAIN FUND

CC-6 The City Council was informed that State law requires that
 CC-176 an annual reporting of development impact mitigation fees be made within sixty days of the close of the local agencies' fiscal year. Ordinarily, a more detailed report would be prepared as part of the capital improvement program and fee update. This year, this is being done as part of the new development impact fee ordinance which will incorporate the existing Master Storm Drain Fund.

Listed below is the history of the 123.1 Master Storm Drain (AB 1600) Fund.

Fiscal Year	Beg. Balance	Fees Collected	Interest	Expend.	End Balance	Remarks
88/89	*\$100,000.00	**\$30,185.00	\$ 4,395.64	\$22,200.00	\$112,380.64	Completed project MSD019, deleted MSD006
89/90	112,380.64	65,273.00	13,728.89	0.00	191,382.53	Deleted project MSD019
90/91	191,382.53	116,775.00	17,143.42	108,823.80	216,477.15	Repaid \$100,000 loan from 123.0 fund

*Beginning balance of \$100,000 loaned from 123.0 fund repaid in 1991/91
 **Fees collected includes deducts for refunds, etc; may not match revenue report GA15

In addition to the repayment of the initial loan from the old Master Storm Drain Fund, some engineering work was done on the following budgeted projects:

Project	Status
G-Basin Excavation	Project delayed for site plan
Orchis Drive Trunk Line	Project to be built with Sunwest Plaza Shopping Center
Storm Drain System Engineering	Preliminary work done; will make recommendation to City Council in September/October 1991

As a matter of interest, the previous Master Storm Drain Fund (123.0) has a balance of approximately \$615,000 which could be advanced again to the 123.1 fund. This fund has been kept separate in order to help finance drainage improvements in the existing developed areas.

ACCEPTANCE OF IMPROVEMENTS
UNDER WELL 11-R, PUMP AND MOTOR,
824 EAST TURNER ROAD CONTRACT

CC-90 The City Council accepted the improvements under the "Well 11-R, Pump and Motor, 824 East Turner Road" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Pump Repair Service Company of San Francisco on March 20, 1991 in the amount of \$24,670.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The actual completion date was August 5, 1991. The final contract price was \$24,273.18.

ACCEPTANCE OF IMPROVEMENTS UNDER
TRAFFIC SIGNAL AND LIGHTING
INSTALLATION AT LODI AVENUE/LOWER
SACRAMENTO ROAD CONTRACT

CC-90 The City Council accepted the improvements under the "Traffic Signal and Lighting Installation at Lodi Avenue/Lower Sacramento Road" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Collins Electric of Stockton on February 6, 1991 in the amount of \$73,500.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was July 24, 1991 and the actual completion date was July 24, 1991. The final contract price was \$74,385.00. The difference between the contract amount and the final contract price is mainly due to the addition of opticom equipment and the substitution of metal signal heads for the polycarbonate heads called for in the specifications. Failures had been noticed in previous polycarbonate head installations.

ACCEPTANCE OF IMPROVEMENTS UNDER
MILLS AVENUE OVERLAY LODI AVENUE
TO ELM STREET CONTRACT

CC-90

The City Council accepted the improvements under the "Mills Avenue Overlay Lodi Avenue to Elm Street" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Claude C. Wood Company of Lodi on May 1, 1991 in the amount of \$79,632.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was June 19, 1991, and the actual completion date was May 23, 1991. The final contract price was \$81,073.36. The difference between the contract amount and the final contract price is mainly due to Claude C. Woods' work on a storm drain manhole which was in need of repair.

ACCEPTANCE OF IMPROVEMENTS UNDER
HAM LANE IMPROVEMENTS, KETTLEMAN
LANE TO VINE STREET CONTRACT

CC-90

The City Council accepted the improvements under the "Ham Lane Improvements, Kettleman Lane to Vine Street" contract and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Ragsdale and Son, Inc. of Waterford, on April 3, 1991, in the amount of \$138,137.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was July 8, 1991 and the actual completion date was July 26, 1991. The final contract price was \$140,218.00. The difference between the contract amount and the final contract price is mainly due to the additional cost to have the contractor pour the tennis court parking lot in two sections.

Splitting the pour permitted continuous access to the parking lot. A change order was also issued to have the contractor modify the installation of the traffic signal detector loops.

ACCEPTANCE OF IMPROVEMENTS UNDER
FIRE DEPARTMENT CARPET, 210 WEST
ELM STREET CONTRACT

CC-90

The City Council accepted the improvements under the "Fire Department Carpet, 210 West Elm Street" contract, and

directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Contract Interiors of Lodi on July 17, 1991 in the amount of \$8,616.07. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was October 28, 1991 and the actual completion date was August 13, 1991. The final contract price was \$8,616.07, as awarded, since there were no change orders or work added.

FINAL MAP FOR HAM LANE III,
TRACT NO. 2512 APPROVED

CC-46 Council Member Snider abstained from discussion and voting on this matter because of a possible conflict of interest.

The City Council approved the final map for Ham Lane III, a one-lot condominium, and directed the City Manager and City Clerk to execute the map on behalf of the City.

This is an existing commercial lot. The map is being filed to change the parcel to a one-lot condominium. All public improvements have been installed and all fees paid. The subdivision is located at 801 South Ham Lane.

FINAL MAP FOR CENTURY PARK,
UNIT NO. 3, TRACT NO. 2492 APPROVED

CC-46 The City Council approved the final map for Century Park, Unit No. 3 and direct the City Manager and City Clerk to execute the map on behalf of the City.

Century Park Investors, the developers of this subdivision, have submitted this map to effect a resubdivision of Century Park, Unit No. 2 (Tract No. 2470) and Lots 4 and 5 of Century Park, Unit No. 1 (Tract No. 2458). These subdivisions were approved by the City Council on February 6, 1991. The necessary improvement plans, agreements, guarantees, insurance certificates and fees were furnished with the original subdivision maps.

The subdivision is located west of Cherokee Lane, south of Century Boulevard, and east of Starling Way and contains a total of twelve single-family residential lots.

COMMENTS BY CITY
COUNCIL MEMBERS

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

CONCERNS EXPRESSED REGARDING
U.S. POSTAL SERVICE

CC-16 Mayor Pro Tempore Pinkerton indicated that he had received complaints regarding increased postal rates and the reduced hours of service by the U. S. Postal Service. Mr. Pinkerton indicated that he felt the City should forward a letter to the Postal Service voicing these concerns.

TOUR OF STANISLAUS COUNTY
WASTE ENERGY FACILITY
EFFORTS OF LODI SOLID WASTE
MANAGEMENT TASK FORCE APPLAUDED

CC-2(m) Mayor Hinchman spoke about the City Council's recent tour
CC-54 of the Stanislaus County Waste Energy Facility. Mayor Hinchman applauded the Lodi Solid Waste Management Task Force and its Chairman Dennis Deg for their outstanding commitment, concern, and interest.

INQUIRY REGARDING STUDIES
REGARDING THE NEED FOR CROSSING
GUARDS AT VARIOUS LOCATIONS

CC-24(b) Public Works Director Ronsko responded to questions posed
CC-48(m) by Council Member Snider as to whether the City is redoing studies regarding the need for Crossing Guards at various locations within the City of Lodi.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

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

CITIZEN SHARES POSITIVE EXPERIENCE
AS CITIZEN OF THIS COMMUNITY

Mr. Cheyenne Cook, a five-year resident of Lodi spoke of the home-town feeling, community spirit and sense of welcome he has experienced in Lodi.

CITIZEN AGAIN EXPRESSES CONCERN
REGARDING INTERSECTION OF ACACIA
STREET AND WASHINGTON STREET

CC-16 Following a request from Mr. Kenneth Krenz, 1239 South
CC-24(b) Washington Street, Lodi, the City Council directed staff to
CC-48(h) again look at the need for a four-way stop sign installation at the intersection of Acacia Street and Washington Street.

CITIZEN EXPRESSES CONCERN REGARDING
PROPERTY AT 303 EAST ELM STREET

CC-16 Virginia Lahr, 311 East Elm Street, Lodi asked the City Council to look into cleaning up the property at 303 East Elm Street and posed a number of questions regarding concerns relating to the subject property.

PUBLIC HEARINGS Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hinchman called for the Public Hearing to consider introduction of a proposed Development Impact Fee Ordinance.

PUBLIC HEARING TO CONSIDER
INTRODUCTION OF A PROPOSED
DEVELOPMENT IMPACT FEE
ORDINANCE

ORDINANCE NO. 1518

CC-46 With the direction provided by the City Council at its
CC-56 special meeting of June 21, staff has prepared a draft
CC-149 fee ordinance. The draft includes:

1. the necessary findings;
2. definitions;
3. establishment of separate, interest-bearing funds;
4. payment of fees at final subdivision map (or building/grading permit if there is no final map) as directed by the Council;
5. adoption of the impact fee study and capital improvement program as directed by the Council (the actual fees are to be adopted by separate resolution);
6. fee calculation procedure;
7. Residential Acre Equivalent (RAE) factors for the various land use types;
8. credit and reimbursement procedures;
9. reference to other authority the City has with regard to development;
10. findings regarding use and refund of fees;

11. exemptions including City and impact fee projects and additions to single-family dwellings;
12. fee adjustment and waiver procedure;
13. appeal procedure;
14. a severability clause;
15. miscellaneous charges to other code sections to comply with this new ordinance;
16. an effective date of sixty days as provided by law with a cut off for building permits based on completed applications; and
17. standard publication requirements.

One issue that was left somewhat unresolved was the acquisition cost of land for basins, parks and other purposes. The value used in the fee study was \$100,000 per acre. Some members of the development community maintained this value was excessive and the Council requested additional information. Unfortunately, accurate information is not available. With various "options", partnership arrangements and other purchase agreements, a true market value is not easily obtainable.

To answer this question, staff recommended that the Council authorize the hiring of an MAI appraiser for the acquisition of the additional acreage needed for the expansion of E-Basin (Westgate Park). With an appraised value, we can quickly adjust the fee accordingly during the coming year.

Another item of significant discussion was the timing of payment. Staff recommended, and the Council approved, that the fees be collected at final subdivision map, or, if no map, at building permit. City staff met with members of the development community on Tuesday, August 13, at their request to discuss this issue again. They again requested that the fees, or a portion, be paid at building permit. Since the Council has already directed otherwise, we could not accommodate their request. However, staff did suggest an alternative that would maintain the integrity of the fee program and provide some help to the developers, although there are some drawbacks.

The alternative was to collect the fee at acceptance of the subdivision improvements, subject to the following:

1. that the payment amount be guaranteed (bond, instrument of credit, etc.). This could be

included in the normal subdivision improvement guaranty.

2. that interest be paid. The recommended rate to use would be same as the latest quarterly rate earned on City investments in the Local Agency Investment Fund.
3. that if credits for improvements made by the developer are provided, then that amount of fees could not be deferred. The program and ordinance recognizes that the developer may construct improvements that are the responsibility of the fee program, thus credits toward fees would be provided for this work. If a credit was provided and the fees deferred, then the City might not have the funds in the program to pay the credit.
4. That an administrative charge be made. A charge for the additional paperwork, including administrative overhead, should be made since such a deferral arrangement will require more work. A flat charge would be reasonable since the amount of work is the same for the various size project we envision. A relatively high charge covering all pertinent costs will also discourage deferrals on small amounts.
5. that appropriate wording covering the above be included in the subdivision agreement.

In addition to the above, the ordinance should provide the ability to deny a deferral if the funds are needed for an impact fee project that is to be built by the City within the time frame of the subdivision improvements.

The drawback to this, aside from the additional staff time involved, is that the City would be in the money lending business, a position which we have always avoided in the past. Council should consider the implications of this decision.

Finally, the development impact mitigation fee ordinance is ready to introduce unless Council wishes to incorporate the changes described above or any other changes.

The ordinance could then be adopted at the September 4 Council meeting along with the fee resolution which actually sets the fees. Since the final impact fee study and the actual amount of the fees was not available fourteen days prior to the Public Hearing scheduled for August 21 (as required by law), the hearing should be

continued until September 4. Staff is expecting to receive the final report the week of August 21 and will distribute copies as soon as it is received.

Addressing the City Council regarding the matter were the following people:

- a) Frank Alegre, 2000 Edgewood Drive, Lodi;
- b) Dennis Bennett, 777 South Ham Lane, Lodi; and
- c) Steve Pechin, 323 West Elm Street, Lodi.

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, Pennino second, the City Council introduced Ordinance No. 1518 entitled, "An Ordinance of the Lodi City Council Adding Chapter 15.64 to Title 15, 'Buildings and Construction', of the Lodi Municipal Code, to Establish City-Wide Development Impact Mitigation Fees; Repealing Section 13.12.225, 'Storm Drainage Impact Fee'; and Amending Section 15.44.090, 'Fees'".

Further, the City Council determined the following regarding the payment of the subject fees:

- I. At the time of Final Map approval, fees will be collected for water, sewer, storm drainage and streets; and
- II. At the time of acceptance of public improvements, fees will be collected for Police, Fire, Parks, and Recreation and General City Facilities.

Further, the City Council determined that no interest charges would be imposed by the City of Lodi in the collection of the fees.

Further, the City Council appropriated \$10,000 from the Master Storm Drain Fund (123.1) for an appraisal of the property needed for the E-Basin (Westgate Park) expansion.

The adoption of Ordinance No. 1518 will be placed on the agenda for the City Council meeting of September 4, 1991.

PLANNING COMMISSION
REPORT

City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of August 12, 1991:

CC-35 The Planning Commission -

a. Recommended approval of the requests of A. and O. Anagnos, et al and Charles A. Wentland to prezone the parcels at 801 East State Route 12 (APN 027-040-30) and 901 East State Route 12 (APN 027-040) (i.e. northeast corner of Kettleman Lane and Lower Sacramento Road) from GA-40, Agriculture to C-S, Commercial Shopping Center.

b. Recommended that the City Council certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

On motion of Mayor Hinchman, Pennino second, the City Council set the heretofore listed items a and b for public hearing at the Regular City Council meeting of September 4, 1991.

The Planning Commission also -

a. Conditionally approved the request of Glen I. Baumbach, Baumbach and Piazza Consulting Engineers on behalf of James Baum for approval of a Lot Line Adjustment to create two parcels from four parcels at 320 North Cherokee Lane in an area zoned M-1, Light Industrial.

b. Set the following requests of J. Jeffrey Kirst for Public Hearing at 7:30 p.m., Monday, August 26, 1991:

1. for approval of the Tentative Subdivision Map of Alder Place, a 22-lot, 21-unit single-family residential subdivision proposed for 2323 West Vine Street in an area zoned R-C-P, Residential-Commercial-Professional; and

2. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

COMMUNICATIONS
(CITY CLERK)

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

- a) William J. Cannon, Date of loss 6/2/91; and
- b) Dennis S. Silvia, Date of loss 7/13/91.

CONSIDERATION OF REQUEST TO
OPERATE A HOT DOG VENDING CART
TO BE ON SEPTEMBER 4, 1991 AGENDA

CC-6 Following receipt of a letter from Louis B. Fugazi requesting City Council approval to operate a hot dog vending cart between the Carnegie Forum and City Hall during the hours of 10:00 a.m. and 2:00 p.m., Monday through Friday, the City Council on motion of Mayor Hinchman, Pennino second, directed the City Clerk to place this matter on the agenda for the City Council meeting of September 4, 1991.

CITY COUNCIL OPPOSES SB 376
RELATING TO THE USE OF TOBACCO

RESOLUTION NO. 91-156

CC-28 Following receipt of a request from Dr. Jogi Khanna, Health Officer, San Joaquin County Public Health Services, the City Council on motion of Council Member Snider, Hinchman second adopted Resolution No. 91-156 entitled, "A Resolution of the Lodi City Council in Opposition to Proposed Senate Bill 376 Relating to the Use of Tobacco".

SUGGESTIONS RECEIVED FROM CITIZEN

The City Council received a letter from George Newmarch suggesting that a) funds received for licensing bicycles should be used for constructing bicycle lanes in Lodi, and b) City utility bills should alert citizens of new City regulations being implemented.

APPOINTMENT MADE TO LODI
ARTS COMMISSION

CC-2(k) The City Council, on motion of Council Member Pennino, Snider second, concurred with the Mayor's appointment of Cynthia Morris-Olagaray to the Lodi Arts Commission to an unexpired term expiring July 1, 1993.

RECESS Mayor Hinchman declared a five-minute recess and the City Council reconvened at 9:30 p.m.

REGULAR CALENDAR

COUNCIL CONSIDERATION OF AB 101
(DISCRIMINATION BASED ON SEXUAL
ORIENTATION)

CC-28

City Attorney McNatt introduced the subject reminding the City Council that it had been asked to adopt a formal position on AB 101, frequently referred to as the "Homosexual Bill of Rights".

In essence, the proposed legislation would amend the California Fair Employment and Housing Act (Government Code Section 12900 et seq.) to address discrimination based on sexual orientation. The Act now prohibits discrimination in employment or housing on the basis of (among other things) race, religion, color, national origin, handicap, sex or age).

Mr. McNatt gave a brief overview of the bill and responded to questions regarding the matter as were posed by the City Council.

Addressing the City Council regarding the matter were the following people:

- a) Robert H. Mullen, 10 South Avena Street, Lodi;
- b) Frank Alegre, 2000 Edgewood Drive, Lodi;
- c) Ken Owen, 10908 North Micke Grove Road;
- d) Dorance Ochs, 1812 Burgundy Drive, Lodi;
- e) Arthur Price, 1053 Port Chelsea Circle, Lodi;
- f) Ross Schmiedt, 1231 South Church Street, Lodi;
- g) Connie Wells, 821 Woodrow, Lodi;
- h) Bill Jottie, 1015 Lakehome Drive, Lodi;
- i) Kenneth Bland, Delta Harvest Community Church, address unknown;
- j) Pastor Robert Mattheis, 800 South Hutchins Street, Lodi; and
- k) David Worfolk, 430 Eureka Avenue, Lodi.

No formal action was taken by the City Council on the matter; however, several members of the City Council

indicated that they shared the concerns that were brought forth and that they would write to the Governor regarding their individual position on the matter.

CONSIDERATION OF PROPOSED
"RIGHT TO FARM" ORDINANCE

CC-6
CC-27(a)
CC-149

City Attorney McNatt advised the City Council that on July 2, 1991, the City Council at a shirtsleeve session considered the first draft of a "Right To Farm" ordinance. The purpose of this type of ordinance is to discourage nuisance lawsuits against farming operations brought by other property owners or tenants. This would be accomplished by requiring notice and disclosure of agricultural operations when property is bought and/or sold. Similar ordinances are now in place in other cities such as Manteca and Stockton.

Such an ordinance was first proposed by the Mayor's Task Force on Measure A in its July 1987 report. That proposal was made a part of the Conservation Element (Page 7-4) of the recently adopted General Plan wherein it was stated:

"The City shall adopt a "Right To Farm" ordinance for the purpose of protecting agricultural land from nuisance suits brought by surrounding landowners."

The draft ordinance attached has been modified as suggested at the shirtsleeve session to make it clear that it would apply to all property located within the City, not just that which is adjacent to agricultural land. In retrospect, this may be the better approach since it could be difficult to otherwise determine which properties were or were not subject to the disclosure requirements.

As further directed by the City Council, the draft ordinance was provided to the Farm Bureau of San Joaquin County and to the Lodi Board of Realtors for comment. Those responses were presented for Council's review. The Farm Bureau endorses the ordinance, while the real estate industry is less favorable. It was suggested by real estate broker Ben Schaffer that if the ordinance is to be adopted, it be modified to specify that it applies only to (for example) properties "within five hundred feet of" or "abutting" present agricultural operations.

One drawback to this latter approach is that the boundaries of its applicability would be continually changing as parcels of agricultural land develop. However, any of these approaches appear feasible.

Although the ordinance itself appears lengthy, what it actually requires is the filing of a single document. In

the case of an existing house, this document would simply be included in the title package. On new construction, the document would become part of the permit file. Admittedly, this would be a somewhat greater paperwork burden than now exists.

Discussion followed with the following people addressing the City Council regarding the matter:

- a) Alan Baker, 7319 Kettleman Lane, Lodi. Mr. Baker requested that the matter be held over to the City Council meeting of September 18, 1991 to allow time for the Board of Realtors to review and comment on the proposed ordinance;
- b) Frank Alegre, 2000 Edgewood Drive, Lodi; and
- c) Kenneth Boyd, 414 Keagle Way, Lodi.

As requested, the City Council on motion of Council Member Pennino, Hinchman second, continued the matter to the Regular City Council Meeting of September 18, 1991.

ANNEXATION/REORGANIZATION
PROCEEDING FOR HI HOPES
ADDITION APPROVED

RESOLUTION NO. 91-157

CC-8(a)
CC-300

The City Council was advised that the Hi Hopes Addition encompasses three parcels, 5279 East Kettleman Lane (APN 049-070-15) and 15514 and 15602 North Beckman Road (APN's 049-070-66 and 67). It contains 75.87 acres and is located south of the future easterly extension of East Vine Street and east of the Central California main line.

At its August 7, 1991 meeting the City Council introduced Ordinance 1517 which rezoned the Hi Hopes Addition to M-1, Light Industrial. The rezoning is required by the San Joaquin Local Agency Formation Commission and is the first step in the annexation process.

Following discussion with questions being directed to Community Development Director Schroeder, the City Council on motion of Council Member Snider, Hinchman second, adopted Resolution No. 91-157 entitled, "A Resolution of the Lodi City Council for Application to the San Joaquin County Local Agency Formation Commission in the matter of the Proposed "Hi Hopes Addition" Including the Detachment of Certain Territory Within the Area Proposed for Annexation to the City of Lodi".

RENEWAL OF CONTRACT WITH
STUBBS PAINT AND BODY TO
HAUL ABANDONED VEHICLES FOR
THE COMMUNITY DEVELOPMENT
DEPARTMENT APPROVED

RESOLUTION NO. 91-158

CC-6 On September 4, 1985 the City entered into a Franchise
CC-90 Agreement with Gary Guthrie, DBA Stubbs Auto Body for the
CC-300 removal and dismantling of abandoned, wrecked, dismantled
 or inoperative vehicles from private property as described
 in the Municipal Code, Title 10, Section 10-56.

The contract was for a period of three years. It was not renewed because a decision of the Federal Ninth Circuit Court of Appeals appeared to require that each removal required a Court Order. Subsequent interpretations of that decision indicate the Court Order is only required when the issue of privacy is raised. If the vehicle is in plain view from public property (i.e. street, alley, park, etc.) it may be removed. However, if it is behind a fence, a Warrant issued by a Judge is required.

The Community Development Department wants to proceed with the abandoned automobile program and would prefer to have Mr. Guthrie haul and dismantle the vehicles. We had a very good working relationship in the past.

The alternate to renewing the Franchise Agreement would be to put it out to bid.

It should be noted that the Contractor removes and dismantles the vehicles without charge to the City or the vehicle owner. The Contractor makes his money from the sale of the dismantled automobiles.

On motion of Council Member Pinkerton, Pennino second, the City Council adopted Resolution No. 91-158 entitled, "A Resolution of the Lodi City Council Approving the Renewal of a Contract with Stubbs Paint and Body to Haul Abandoned Vehicles for the Community Development Department".

RESOLUTION ADOPTED APPROVING
CONSORTIUM AGREEMENT WITH THE
SAN JOAQUIN COUNTY FOR HOME
INVESTMENT PARTNERSHIP PROGRAM (HOME)

RESOLUTION NO. 91-159

CC-7(b) The City Council was advised that under the Housing and
CC-90 Community Development Act of 1974, San Joaquin County as an
CC-300 urban county is potentially eligible to receive HOME funds
 equal to or greater than \$750,000. This consortium

agreement solicits the cooperation and co-participation of Lodi and cities in the County for purposes of receiving HOME funds under the National Affordable Housing Act and promoting affordable housing.

The primary intent of this agreement is to enable the County and the Cities to cooperate in undertaking public-private partnerships to provide more affordable housing within San Joaquin primarily to benefit low and very low income households.

On motion of Council Member Pennino, Hinchman second, the City Council adopted Resolution No. 91-159 entitled, "A Resolution of the Lodi City Council Approving Consortium Agreement with San Joaquin County for Home Investment Partnership Program (HOME)".

REPORT REGARDING PUBLIC ACCESS TO THE MOKELUMNE RIVER

CC-6
CC-184

City Attorney McNatt gave the following report regarding public access to the Mokelumne River questions that have recently arisen concerning the availability of public access to the Mokelumne River within the City of Lodi and the City's obligation to afford such access.

Research reveals the following:

Government Code Section 66478.4, effective in 1975, states:

"(a) No local agency shall approve either a tentative or final map of any proposed subdivision to be fronted upon a public waterway, river or stream which does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivision."

This law modified previous statutes on access. Prior to that, public access to waterways was not required. Riparian owners (those who owned the land adjacent to the waterways) had complete control of access in most cases.

Some development along the Mokelumne predates Government Code Section 66478, such as the Willow Glen project. As such, no public access was required for approval. However, the Lodi Lake Park "Wilderness Area" is adjacent so there actually is access abutting the development.

Only two other major subdivisions along the river have been built since Government Code Section 66478 became law; Rivergate, in 1976 and Mokelumne Village beginning in

1978. Public access to the river was originally dedicated through the Rivergate development, but after a time, it was believed that the public was not using the access, and so the easement was relinquished in 1980 at the request of the owners.

For reasons not entirely clear to me, no access dedication was required of the Mokelumne Village project. Although I have not seen all documentation concerning relevant maps and approvals, I suspect it may have been that access by way of the City's Scenic Overlook site was viewed as adequate since it was immediately adjacent to the Mokelumne Village project. Relevant to such situations, Government Code Section 66478.8 states:

"Nothing in Section 66478.1 through 66478.10 of this article shall require a local agency to disapprove either a tentative or final map solely on the basis that the reasonable public access otherwise required ... is not provided ..., if the local agency makes a finding that such reasonable public access is otherwise available within a reasonable distance from the subdivision."

Presently, there is public access to the river at Lodi Lake Park although regulations may restrict the type of uses allowable. There is no publicly owned access available on the east side of town. Although the City still has the Scenic Overlook, it is fenced as a precaution because soluble lead has been found in the soil there. I hasten to add that there is a monitoring well on site which shows that the lead is not migrating toward the river, but it still may not be prudent to allow public access through this parcel at present.

The only remaining piece of undeveloped land on the south bank of the river within the city limits is the site of the former Community Winery (United Vintners). It is assumed that when and if this is proposed for subdivision, public access under Government Code Section 66478.4 will be required.

Any other public access point desired by the City at present would probably have to be acquired by purchase or condemnation.

Following discussion the City Council asked that it be provided with information regarding staffing at Lodi Lake Park and regulations regarding access to the Mokelumne River from Lodi.

REPORT REGARDING IMPLICATIONS OF
 SEPTEMBER 1, 1991 KING VIDEOCABLE
 COMPANY RATE INCREASE

CC-22(c) City Manager Peterson presented the following report regarding implications of the September 1, 1991 King Videocable Company rate increase.

At its regular meeting of August 7, 1991 the City Council requested additional information regarding the adjusted King Videocable (CATV) rate schedule (see below). Specifically, the request was how would subscribers be notified of the two levels of service offered - the limited basic service (18 channels) and the full cable service (37 channels). Subscribers will be informed of the two options available with the next bill for service they receive. Actually, these two levels of service have been in effect for some time. The company reports that while there have been some recent inquiries regarding the limited basic service, the interest in this option is not great. Of the approximately 13,800 current subscribers, only two are on this service level.

KING VIDEOCABLE COMPANY - LODI
 RATE SCHEDULE EFFECTIVE SEPTEMBER 1, 1991

=====			
S E R V I C E			
		Previous Rates 10-01-90	Rates Effective 09-01-91

A.	<u>INSTALLATION</u>		
	Installation, first outlet	45.00	50.00
	Additional outlets, each	30.00	30.00
	Relocation of existing outlet, each	30.00	30.00
	Non-standard installation - unusual construction requirements or cable drop over 150' - time and materials		
B.	<u>MONTHLY SERVICE</u>		
	Basic service, all outlets (36 channels)	17.50	-
	Limited basic service, all outlets (18 channels)	-	16.00
	Full cable service all outlets (37 channels)	-	19.00

	<u>PACKAGES</u>	
	one premium service	11.00 11.00
	two premium services	18.50 18.50
	three premium services	25.00 25.00
	four premium services	31.00 31.00
	five premium services	37.00 37.00
C.	<u>OTHER FEES AND RENTALS</u>	
	Processing fee to change packages	10.00 10.00
	Remote control converter rental - monthly	3.00 3.00
	TV Guide	- 3.00
	Late charge (accounts 40 days past due)	- 5.00
	Trip charges may be assessed for problems not related to cable TV service (VCR hookups, fine tuning TV, etc.)	
		30.00 30.00
	A/B switch purchase	10.00 10.00
D.	<u>BULK/COMMERCIAL ACCOUNTS</u>	
	. Apartments:	
	less than 50 units	11.50 12.30
	50 or more units	9.00 9.65
	. Motels	7.50 8.00

No formal action was taken by the City Council on this matter.

REPORT REGARDING HAM LANE
AT KETTLEMAN LANE LEFT-TURN LANES

CC-45(a) The City Council was advised that at the August 7, 1991
CC-48(a) City Council meeting, City Council requested staff place on
the next council agenda the new dual left-turn lane
installation on Ham Lane at Kettleman Lane. A business
owner adjacent to this intersection, Dr. Ben Vander Heiden,
Applied Chiropractic, was concerned with the no U-turn
sign. There were also concerns raised about the
prohibition of left turns into the adjacent parcel.

The dual left-turn lanes were installed as part of a
Federal Aid Urban (FAU) project which included an asphalt
concrete overlay on Ham Lane from Kettleman Lane to Vine
Street and minor widening on the west side. The dual
left-turn lane portion of the project was in response to
various complaints to improve the southbound left turn at
this intersection. At times when the signal was red, the
left turn vehicles stacked up well beyond the turn pocket
and blocked one of the through lanes. This also affected

the signal operation by having a long green time for the left-turn movement which caused delays for the other movements.

At the June 1, 1988 City Council meeting, City Council approved the dual left-turn lane installation. This new installation improved traffic flow; however, it moved the left-turn lane further east making it too close to the curb to make U-turns. The minimum design width required for U-turns is 44 feet. The existing distance with the raised bumpers is 30 feet. With the previous raised median, there was 36 feet from the west side of the median to the east curb line. The No-U-Turn sign was installed as part of the project approved by Caltrans staff before the Council meeting.

Another concern was why left-turn lanes were allowed into the Municipal Service Center driveway but not into the Chamber of Commerce driveway. Before the dual left-turn lanes were installed, there was a raised landscaped median which allowed left turns into the Municipal Service Center but not into the Chamber of Commerce driveway. However, the Police Department felt uncomfortable about citing vehicles turning southbound into the Chamber's driveway because of the short distance from the end of the median and the driveway. Now, with the new striping and raised markers, it is clear that it is illegal to make a left turn into the driveway. A left-turn lane was striped to improve traffic flow and allow stacking room for vehicles turning into the public parking lot and the Municipal Service Center driveway. These driveways had a history of rear-end accidents and the new striping is intended to eliminate this type of accident.

At the June 1, 1988 City Council meeting, there was no discussion about removing the median and installing a two-way left-turn lane so staff proceeded per the Council approval.

Addressing the City Council regarding the matter was Evelyn M. Olson, President Elect of the Lodi District Chamber of Commerce.

Following discussion with questions being directed to staff, the City Council on motion of Council Member Snider, Hinchman second, directed staff to look into the possibility of providing access for southbound traffic to businesses located to the east of the Municipal Service Center - which include Applied Chiropractic and the Lodi District Chamber of Commerce.

REPORT REGARDING THE TRACKING
OF SHIPMENTS OF HAZARDOUS MATERIAL
THROUGH THE CITY OF LODI

CC-24(a)

The City Council received the following report regarding the tracking of shipments of hazardous material through the City of Lodi.

City Attorney McNatt reminded the City Council that at the City Council meeting of August 7, 1991, a question came up regarding transportation of hazardous materials through the City. This is a very broad topic since it involves both rail and truck transport and includes materials falling into different categories such as "hazardous waste", explosives, and radioactive material. Administrative Assistant Janet Keeter, who has substantial experience in hazardous materials, has prepared a good overview which was presented for Council's review. Mrs. Keeter responded to specific questions posed by members of the City Council.

I could find no state or federal law requiring that the City be advised beforehand of dangerous shipments passing through city limits, except for truck transport of radioactive waste (Vehicle Code Section 33000 et seq.), and then only if requested by the Fire Chief or Police Chief. It is my understanding that the Lodi Fire Department has a standing request to be so notified.

It appears that the City's authority to regulate shipments as they pass through is very limited. We are allowed to designate routes through the City for shipments of explosives (Vehicle Code Section 31614), but for most other "hazardous waste" shipments, the State has preempted local regulations (Health and Safety Code Section 25167.3). On top of the state statutes are the federal regulations found in the Hazardous Materials Transport Act (49 U.S.C. Section 1801 et seq.).

Coincidentally, the California Public Utilities Commission on August 7, 1991 adopted new regulations for the transport of hazardous material by rail. This action was apparently in response to the accident last month in which a derailed tank car spilled chemicals into the Sacramento River. While the new regulations do not give further authority to local agencies, they do require notification by the railroad to the fire department of any actual or threatened releases of hazardous materials inside the agency's jurisdiction. The regulations also allow local fire departments to request and receive lists specifying the types of hazardous materials moving through the agency's jurisdiction in the previous 12 months.

In short, with some limited exceptions, we usually do not know beforehand what is moving through the City and have

very little authority to regulate such shipments. Based upon my research, I see no way that we could require truckers and the railroads to provide us with such information.

No formal action was taken by the City Council on the matter.

VOTING DELEGATE AND ALTERNATE
FOR ANNUAL CONGRESS OF CITIES
CONFERENCE TO BE HELD IN LAS VEGAS,
NEVADA, DECEMBER 12 - 16, 1991

CC-7(r) On motion of Council Member Snider, Hinchman second, the City Council designated Mayor Pro Tempore Pinkerton as the Voting Delegate and Council Member Pennino as the Voting Alternate for the Annual Congress of Cities to be held in Las Vegas, Nevada, December 12 - 16, 1991.

ORDINANCES

75.87 ACRE PARCEL LOCATED AT
5279 EAST KETTLEMAN LANE AND
15514 AND 15602 BECKMAN ROAD
PREZONED FROM GA 20 to M-1

ORDINANCE NO. 1517 ADOPTED

CC-53(a)
CC-149 Ordinance No. 1517 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Prezoning the 75.87 Acre Parcel Located at 5279 East Kettleman Lane (APN 049-070-15) and 15514 and 15602 Beckman Road (APN's 049-070-66 and 67) from GA 20, General Agriculture (County Designation) to M-1, Light Industrial" having been introduced at a regular meeting of the Lodi City Council held August 7, 1991 was brought up for passage on motion of Council Member Pinkerton, Sieglock second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by unanimous vote.

CLOSED SESSION

MEMORANDUM OF UNDERSTANDING BETWEEN
IBEW ELECTRIC UTILITY UNIT 1245
RECEIVED FOR FILING

AMENDED SALARY SCHEDULE FOR IBEW
ELECTRIC UTILITY UNIT APPROVED

RESOLUTION NO. 91-160

CC-34
CC-300

At approximately 11:40 p.m., the City Council adjourned to
Closed Session regarding:

CC-260 (a)

- 1) Labor Negotiations;
- 2) Amend Memorandum of Understanding; and
- 3) Amend salary schedule for electric workers.

The meeting reconvened at approximately 12:25 a.m.

On motion of Mayor Pro Tempore Pinkerton, Hinchman second,
the City Council received for filing the Memorandum of
Understanding (MOU) between the City of Lodi and the IBEW
Electric Utility Unit 1245.

On motion of Mayor Pro Tempore Pinkerton, Hinchman second,
the City Council adopted Resolution No. 91-160 adopting the
amended salary schedule for the IBEW Electric Utility Unit
1245 retroactive to April 1, 1991.

ADJOURNMENT

There being no further business to come before the
City Council, Mayor Hinchman adjourned the meeting at
approximately 12:30 a.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk