

CITY COUNCIL, CITY OF LODI  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 6, 1990  
7:30 P.M.

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

INVOCATION The invocation was given by Assistant City Manager Glenn.

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

PRESENTATIONS

PROCLAMATION Mayor Snider presented the following entitled proclamation:  
"Pause For the Pledge of Allegiance"

CONSENT CALENDAR In accordance with report and recommendation of the City  
Manager, Council, on motion of Council Member Reid,  
Olson second, approved the following items hereinafter set  
forth with the following exception:

Agenda item 14 entitled, "Sublease Agreement with George  
Sakurai to operate the Golf Driving Range" was removed  
from the Consent Calendar and discussed and acted upon  
under the Regular Calendar.

\*\*\*\*\*

CLAIMS CC-21(a) Claims were approved in the amount of \$3,766,108.81.

MINUTES The Minutes of April 18, 1990, May 2, 1990 and May 8, 1990  
(Special Meeting) were approved as written.

SPECIFICATIONS FOR  
PURCHASE OF PAD-MOUNTED  
TRANSFORMERS APPROVED

CC-20 The City Council approved the specifications and authorized  
CC-47 the advertisement for bids for 21 pad-mounted transformers.

The City Council was advised that the Electric Utility  
Department has requested that the following pad-mounted

Continued June 6, 1990

transformers be purchased to support various projects and to replenish inventory:

KVA - VOLTAGE	SINGLE-PHASE	THREE-PHASE
50 240/120	7	-
100 240/120	8	-
112.5 480Y/277	-	1
150 480Y/277	-	1
225 480Y/277	-	2
300 480Y/277	-	1
750 480Y/277	-	1
TOTALS	<u>15</u>	<u>6</u>

Some of the projects using these transformers include the Maggio Industrial Subdivision, Griffin Industrial Park, Almondwood Subdivision, and the Industrial Substation. The transformers will also be used for budgeted distribution system improvements, and to provide inventory for emergency replacements.

The estimated cost of this purchase is \$63,000, with funding available in the Electric Utility Departments' operating fund.

The bid opening has been set for Tuesday, July 3, 1990.

SPECIFICATIONS FOR  
PURCHASE OF POLE-MOUNTED  
TRANSFORMERS APPROVED

CC-20  
CC-47

The City Council approved the specifications and authorized the advertisement for bids for 56 pole-mounted transformers.

The Electric Utility Department has requested that the following pole-mounted transformers be purchased to support the ongoing PCB replacement program, and to provide inventory for emergency needs:

KVA - VOLTAGE	CIRCUIT-PROJECTED	CONVENTIONAL
15 120/240	6	11
25 120/240	-	18
37.5 120/240	-	9
37.5 277	-	3
50 120/240	-	3
50 277	-	3
75 277	-	3
TOTALS	<u>6</u>	<u>50</u>

The estimated cost of this purchase is \$44,000, with funding available in the Electric Utility Department's operating fund.

Continued June 6, 1990

The bid opening has been set for Tuesday, July 3, 1990.

PURCHASE OF ELECTRICAL  
HAZARDS SIMULATOR

RES. NO. 90-82

CC-20  
CC-47

The City Council adopted Resolution No. 90-82 approving the purchase of one Electrical Hazards Simulator from the sole supplier Modeltech, Inc., Burbank, CA, in the amount of \$6,900.

At a recent shirtsleeve session, the Electric Utility Department presented a video tape on the Electrical Hazards Simulator also known as "Hazard Hamlet." This simulator is an electrified miniature display of 'Anytown' depicting 12 electrical accident situations.

The simulator will be used as an aid in the Department's public awareness and education program at schools, community groups, various safety employee groups, etc.

Funding for this safety education item is available within the Department's 1989-90 fiscal year Administration account.

\* plus estimated shipping of \$150.

PUBLIC HEARING SET  
REGARDING DIBROMOCHLOROPROPANE  
(DBCP)

CC-24(b)

The City Council set a public hearing for June 20, 1990 to discuss DBCP in Lodi's groundwater supply.

The City Council received a copy of the City of Lodi's amended water supply permit dated April 20, 1990. Condition 3b of this permit reads as follows:

"The City shall hold a public meeting by July 15, 1990 to inform the public of the DBCP problem within the system and provide an opportunity for comment. This public meeting will be as provided for in Section 6061 of the Government Code."

Section 6061 requires a one-time publication of the notice of the public meeting.

Last week, the City sent out a letter to all water customers which outlined the dilemma that Lodi has with DBCP. The City also held a press conference on Wednesday, May 23, 1990, related to the same subject.

Continued June 6, 1990

The proposed public hearing will satisfy the requirement of our amended water supply permit and will provide the public with an opportunity to comment.

ACCEPTANCE OF IMPROVEMENTS  
UNDER HUTCHINS STREET SQUARE  
SENIOR COMPLEX, 600 WEST OAK  
STREET

CC-90 The City Council accepted the improvements under the "Hutchins Street Square Senior Complex" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to F & H Construction of Stockton on February 1, 1989 in the amount of \$2,633,700. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The present contract amount, including approved change orders, is \$2,818,770. The price of a minor final change order is still being negotiated. We wish to proceed with the acceptance in order to release the contractor's bonds and start the warranty.

FINAL MAP AND SUBDIVISION  
AGREEMENT FOR WESTWOOD  
SUBDIVISION, 2424 COCHRAN  
ROAD

CC-46 The City Council approved the final map for Westwood, a one-lot subdivision, and directed the City Manager and City Clerk to execute the Subdivision Agreement and map on behalf of the City.

Theodore T. Katzakian and Daniel R. Anderson, the developers of this subdivision, have furnished the City with the improvement plans, the necessary agreements, guarantees, insurance certificates, and fees for the proposed subdivision.

The subdivision is located at 2424 Cochran Road and contains a total of one lot with eight condominium units.

ACCEPTANCE OF IMPROVEMENTS  
AT MISTY MANOR, TRACT NO. 2328

RES. NO. 90-83

CC-46 The City Council adopted Resolution No. 90-83 accepting the  
CC-300 subdivision improvements for Misty Manor, Tract No. 2328.

Improvements at Misty Manor have been completed in substantial conformance with the requirements of the

Subdivision Agreement between the City of Lodi and J. Jeffrey Kirst, Carol Kirst, James L. Sturman, and Misty J. Sturman, as General Partners, dated September 26, 1989, as shown on Drawing Nos. 89D056 and 89D057, and as specifically set forth in the plans and specifications approved by the City Council.

The streets to be accepted are as follows:

<u>STREETS</u>	<u>LENGTH IN MILES</u>
Elgin Avenue	0.02
Valley Avenue	0.02
Seiko Avenue	<u>0.00</u>
TOTAL NEW MILES OF CITY STREETS	0.04

"NO PARKING" AT 307,  
317, AND 321 EAST  
KETTLEMAN LANE

RES. NO. 90-84

CC-45(a)  
CC-48(e)

The City Council adopted Resolution No. 90-84 approving the installation of "no parking" signs on the north side of the street at 307, 317, and 321 East Kettleman Lane.

The Public Works Department has received a complaint from the owner of Pietro's Restaurant that vehicles parked along Kettleman Lane are creating a sight problem for drivers exiting their parking lot. Staff has verified the high on-street parking demand on Kettleman Lane. The majority of the vehicles parked on-street belong to customers of the restaurant.

Available accident records indicate there has been one accident at this location from 1987 to the present. The accident occurred in 1988 and the police report indicated a parked truck created a vision obscurement. The annual average daily traffic volume on Kettleman Lane in this area is 16,200 vehicles per day, and the posted speed limit is 35 mph.

Staff feels that due to the sight problem created by these vehicles, 62 feet of "no parking" should be installed west of the driveway and 85 feet east of the driveway.

The "no parking" request will need approval by Caltrans after City Council approval.

Continued June 6, 1990

RAILROAD GRADE CROSSING  
PROTECTION ON CHEROKEE  
LANE BETWEEN LOCKEFORD  
STREET AND VICTOR ROAD

RES. NO. 90-85

CC-7(f)                   The City Council adopted Resolution No. 90-85 approving  
CC-7(h)                   Program Supplement No. 27 to Local Agency-State Agreement  
CC-48(c)                  No. 10-5154 and authorized the City Manager and City Clerk  
CC-300                   to execute the agreement on behalf of the City.

This agreement covers the installation of crossing protection gates on Cherokee Lane at the Southern Pacific Railroad crossing south of Lockeford Street. Because of the width of Cherokee Lane and in order to reduce the height of the arms to eliminate conflicts with the overhead power lines, the Railroad will be placing two gates on each approach. One will be in the normal location on the right side of the street and the other will be in the center of Cherokee Lane. The City will be installing small medians around the gates in the center.

Federal funds cover 90% of the project. The City is responsible for 10% which is estimated to be \$19,950. Some Transportation Development Act funds have been budgeted for this work; however, additional money will be included for the project in the upcoming Capital Improvement Program.

REPORT OF THE SALE  
OF CITY PROPERTY

CC-6                    The City Council was advised that in accordance with Lodi  
CC-20                   Municipal Code Section 2.12.120 (A), this report of the sale  
CC-47                   of City property is hereby submitted for the information of  
                          the City Council.

The following items of City property have been sold within the last thirty days:

5/10/90	1 Lot of Scrap Metal	\$2,596.67
5/22/90	1 1981 Mercury Zephyr	\$ 700.00

The sale of scrap metal was authorized by the City Council on April 18, 1990.

The 1981 Mercury Zephyr was originally included in the sale of vehicles and equipment approved by the City Council in February, 1990. No bids were received for the vehicle during the sealed bid sale in March; however, an offer was received in May at the previously established minimum bid price of \$700, and the offer was accepted.

Continued June 6, 1990

AGREEMENTS BETWEEN  
CITY OF LODI AND LODI  
GRAPE FESTIVAL AND  
NATIONAL WINE SHOW  
APPROVED

CC-7(b)  
CC-7(p)  
CC-90

The City Council approved the "Master Lease for Festival Grounds" and "General Lease for Golf Driving Range" agreements for the period of July 1, 1990 to June 30, 1993, with the Lodi Grape Festival and National Wine Show.

The City Council was advised that this is a request for renewal of our standard use agreement with Lodi Grape Festival and National Wine Show for main grounds (Master Lease) and Golf Driving Range facilities (golf area agreement).

There are only a few changes in the past three-year agreement, those being:

1. Change in hours of use for Chablis Hall (Master Lease).
2. Readdress dates that we can get into the Festival Grounds and leave on a yearly basis (Master Lease).
3. And, this time around, we defined who the Festival people could sublease to in the Pavilion. This was done to protect the City's investment (the two basketball/volleyball portable floors) and our liability with use of same by any other group, organization or private party who would leave from the Festival and be in contact with our portable floors or could damage same. Festival was in agreement with this.
4. No changes to golf agreement.

AGENDA ITEM REMOVED  
FROM CONSENT CALENDAR

Agenda item E-14, entitled, "Sublease Agreement with George Sakurai to operate the Golf Driving Range" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.

ARCHITECTURAL AGREEMENT  
FOR UPGRADE OF HEATING  
AND VENTILATION SYSTEM  
AT WHITE SLOUGH WATER  
POLLUTION CONTROL  
FACILITY APPROVED

CC-90

The City Council approved the architectural agreement with Morris and Wenell Architects and Planners for upgrading the heating and ventilation system at White Slough Water

Continued June 6, 1990

Pollution Control Facility and authorized the City Manager and City Clerk to execute the agreement.

When the initial design began on the White Slough expansion project, the only addition to the control building was going to be a new conference room and enlargement of the existing men's and women's locker room facilities. As part of this expansion, a roof-top heating, ventilation, and air conditioning (HVAC) system was going to be proposed. As we proceeded with the design, it was determined that we should enclose the front entry area to provide for additional interior work area for plant personnel. At the same time, the HVAC system installed in 1976 began to fail.

After obtaining a proposal from Black and Veatch to upgrade the existing HVAC system and expand it to serve the proposed additions, it was determined that it was in the City's best interest based on time and economics to accomplish this project outside the White Slough expansion contract.

After receiving proposals from two mechanical contractors which differed widely in concept, it was determined that we should prepare plans and specifications for this work and either have the work done as a change order to the White Slough expansion project or go out to formal bid.

Presented for Council approval was a proposal from Morris and Wenell in the amount of \$11,415 to accomplish this work. Morris and Wenell is familiar with our facility and previously designed the laboratory expansion done in 1983. It was therefore recommended that the City Council authorize the City Manager to execute the architectural agreement with Morris and Wenell to provide the bidding plans and specifications for the HVAC system upgrade at White Slough.

PUBLIC HEARING SET  
FOR REVIEW AND  
CONSIDERATION OF THE  
COUNTY OF SAN JOAQUIN  
TRANSPORTATION SALES TAX  
EXPENDITURE PLAN

CC-28                   The City Council set June 20, 1990 as the date for the  
CC-50(a)               public hearing to receive public input on the proposed  
CC-50(b)               County of San Joaquin Transportation Sales Tax Expenditure  
Plan.

It is projected that the November, 1990 ballot will list a proposal for a one-half cent increase in the sales tax schedule in San Joaquin County to assist in the financing of transportation improvements. A recommendation on the

Continued June 6, 1990

specific projects to be undertaken in various locations throughout the County is in the process of development by a committee of Public Works personnel representing each agency. These recommendations will be finalized and distributed to the City Council for its review prior to the June 20 City Council meeting.

WINE AND ROSES  
COUNTRY INN II  
REORGANIZATION

RES. NO. 90-86

CC-8(a)  
CC-300

The City Council adopted Resolution No. 90-86 initiating the annexation of 2.7 acres to the City of Lodi and the detachment from the Woodbridge Fire Protection District and the Woodbridge Irrigation District. This property abuts the existing City limits on the east and south and fronts on two streets, Woodhaven Lane and Turner Road.

The applicants, Kristin I. Cromwell and Del G. Smith own and operate the Wine and Roses Country Inn. The Inn and its surrounding garden was the home of Isabel Towne. They now wish to expand their operation by adding the land, home and swimming pool that was the home of Burton Towne, III.

At the April 4, 1990 City Council meeting the City Council certified the filing of a Negative Declaration for this project, redesignated the subject area from Agriculture to Neighborhood Commercial and rezoned the parcel from G-A, Agriculture, San Joaquin County to C-1, Neighborhood Commercial.

\*\*\*\*\*

ORDINANCE REGULATING OR  
PROHIBITING SMOKING IN  
CERTAIN PUBLIC PLACES AND  
IN PLACES OF EMPLOYMENT

ORD. NO. 1488 Adopted

CC-24(b)  
CC-149

The subject of the adoption of Ordinance No. 1488, entitled, "An Ordinance of the Lodi City Council Regulating or Prohibiting Smoking in Certain Public Places and in Places of Employment" was introduced by Mayor Snider.

Because of the public interest in this matter, the order of the agenda was amended to consider the matter at this point in the agenda.

Background regarding Ordinance No. 1488 and the language contained therein was presented by City Attorney McNatt.

Mayor Snider asked that public testimony regarding the matter be given in the following order and that the order continue until everyone wishing to speak had done so.

Five persons opposing the ordinance

Five persons in favor of the ordinance

IN OPPOSITION

- 1. Stanley Kirst, 10 West Daisy Avenue, Lodi
- 2. John Lagno, 514 West Lockeford Street, Lodi (Business address)
- 3. Frank Alegre, 2000 Edgewood Drive, Lodi
- 4. Adam Dados, 1101 Junewood Drive, Lodi
- 5. Dale Long, 732 Atherton Drive, Lodi

IN FAVOR

- 1. C. M. Sullivan, 1221 Lakewood Drive, Lodi
- 2. Pat Pennell-Yee, 1007 Cardinal, Lodi
- 3. Kristen Boelter, 4245 Bolder Creek Circle, Stockton
- 4. Debra Barnes, 427 Forest Avenue, Lodi
- 5. Tommy Roberts, business owner, Lodi

IN OPPOSITION

- 1. Margaret Lathrop, 18088 East Highway 88, Victor
- 2. Vera Luna, 926 Wellswood, Lodi
- 3. Larry Bolles, 620 South Cherokee Lane, Lodi
- 4. Michael Landau, 1003 Awani Drive, Lodi
- 5. Frank Callaghan, 1718 West Lockeford Street, Lodi

IN FAVOR

- 1. Nancy Olson, 18800 Lori Court, Woodbridge
- 2. Roy A. Marrs, 102 Mokelumne River Drive, Lodi

Continued June 6, 1990

3. Dr. Tom Parker, 600 West Elm Street, Lodi
4. Arlene Farley, 2121 Scarborough, Lodi
5. William D. Yotty, 1015 Lake Holm Drive, Lodi

IN OPPOSITION

1. Jon Withers, 2448 Corbin Way, Lodi
2. Tom Driscoll, 703 Dorchester Way, Lodi
3. Mike Lapenta, 1718 Edgewood Drive, Lodi
4. Tim Vallem, 740 West Lodi Avenue, Lodi
5. Floy French-Landau, 1003 Awani Drive, Lodi

IN FAVOR

1. John Boelter, 4245 Bolder Creek Circle, Stockton
2. Robert Riggle, 1112 Cross Street, Lodi
3. Julia Carol, 2547 Piedmont Street, Berkley
4. Janis Ross, 2135 West Vine Street, Lodi
5. Beverly Hoag, 1230 West Locust Street, Lodi

IN OPPOSITION

1. Rhonda Werzykowshi, 315 Donner Drive, Lodi
2. Jackie Tess, no address given
3. Dona Reynolds, business owner on School Street
4. Dalton Long, no address given
5. Hazel Tustin, 15 North Cherokee Lane, Lodi

IN FAVOR

1. Dennis Richards, 2625 Parkwood Drive, Lodi
2. Ercile White, 500 Ribier Avenue

Continued June 6, 1990

- 3. Ken Owen, representing the Lodi Christian Community Concerns Committee
- 4. Dr. Philip Ross, 2135 West Vine Street, Lodi
- 5. Vi Riggle, 712 Cross Street, Lodi

IN OPPOSITION

- 1. Cindy Reagor, no address given
- 2. Rena Wright, 309 East Locust Street, Lodi
- 3. Bill Madney, 639 Century Blvd., Lodi
- 4. Paul Easley, 218 North School Street, Lodi
- 5. Carol Canter, 808 South School Street, Lodi

IN FAVOR

- 1. Patricia Birkes, 1509 South Cherokee Lane, Lodi
- 2. Tim Mattheis, 234 South Crescent Street, Lodi
- 3. Pastor Loren Stacy, 2337 Newbury Circle, Lodi
- 4. David Monk, 203 East Alpine Street, Lodi
- 5. Amber Morgan, 1612 Amber Leaf Way, Lodi

IN OPPOSITION

- 1. Wanda Sorales, 218 North School Street
- 2. Nadine Sane, Eilers Lane, Lodi
- 3. Mike Wilson, Lodi
- 4. Cary Erickson, 810 Windsor Drive, Lodi

A lengthy discussion followed.

Council Member Pinkerton moved that adoption of Ordinance No. 1488 be delayed until November 1990, that alternate draft ordinances regarding the subject be studied, and that a measure regarding this matter be placed on the ballot. The motion was seconded by Council Member Olson but failed to carry by the following vote:

Ayes: Council Members - Olson and Pinkerton

Noes: Council Members - Hinchman, Reid, and Snider

Absent: Council Members - None

Following additional discussion, Ordinance No. 1488 entitled, "An Ordinance of the Lodi City Council Regulating or Prohibiting Smoking in Certain Public Places and in Places of Employment" having been introduced at a regular meeting of the Lodi City Council held May 16, 1990 was brought up for passage on motion of Mayor Pro Tempore Hinchman, Reid second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Hinchman, Olson, Reid, and Snider

Noes: Council Members - Pinkerton

Absent: Council Members - None

RECESS

Mayor Snider declared a five-minute recess and the City Council reconvened at approximately 11:05 p.m.

COMMENTS BY CITY COUNCIL MEMBERS

There were no comments received under the "Comments by City Council Members" segment of the agenda:

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:

TOKAY HIGH SWIM CLUB TO HOLD MEET

Mr. Phil Pennino, 1802 Reisling Drive, Lodi announced that the Tokay High Swim Club will be hosting a swim meet this weekend involving over 500 swimmers.

SUPPORT FOR CENTRAL VALLEY FIRST STEP ADOLESCENT CHEMICAL DEPENDENCY PROGRAM IN LODI URGED

CC-105

The following persons spoke urging the reinstatement of the Central Valley First Step Adolescent Chemical Dependency Program and asked for the City Council's support:

- a) Shirley Hackett, 1142 Rivergate Drive, #4, Lodi

Continued June 6, 1990

- b) Carol Canter, 808 S. School Street, Lodi
- c) Wendie Tanner, 611 North School Street, Lodi
- d) Faye Rodriguez, Lodi
- e) Donna Platt, 1235 South School Street, Lodi
- f) Bill Matney, 639 West Century Blvd., Lodi
- g) Brandon Berdahl, Lodi

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 Pro Tempore Hinchman called for the Public Hearing to consider the Sunwest Plaza Reorganization including annexation to the City of Lodi and detachment from the Woodbridge Fire District and the Woodbridge Water Users Conservation District.

Mayor Snider asked to abstain from discussion and voting on this matter and left his seat at the Council table.

SUNWEST PLAZA REORGANIZATION

RES. NO. 90-87

CC-8(a)

The subject was introduced by Community Development Director Schroeder who advised the City Council that since this is an uninhabited annexation (i.e., less than 12 registered voters) only property owners within the annexation may protest. If properties with more than 50% of the addressed valuation protest, the annexation is defeated. Presently two property owners exist, Douglas Oil Company with an assessed valuation of \$165,212 and Kettleman II, a Limited Partnership with an assessed valuation of \$1,892,959. Kettleman II is the proponent of the reorganization.

The City Council previously took the following actions on the Sunwest Plaza Shopping Center project: (1) certified the Final Environmental Impact Report; (2) designated the area Commercial on the General Plan; and (3) rezoned the property C-S, Commercial Shopping.

The majority owner has already signed a Memorandum of Understanding with the City concerning infrastructure (wastewater, water, storm drainage, etc.) and the payment of future public improvement fees.

The Sunwest Plaza project conforms to the Annexation Policy adopted by the City Council earlier this year.

Continued June 6, 1990

Speaking in support of the proposed reorganization was Ron Stein, Attorney-at-law, 3131 West Ham Lane, Lodi representing the proponents in this matter.

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 Pinkerton, Reid second, the City Council adopted Resolution No. 90-87 - A Resolution of the Lodi City Council Ordering the Sunwest Plaza Reorganization (LAFC 6-90), including Annexation to the City of Lodi and Detachment from the Woodbridge Fire District and the Woodbridge Water Users Conservation District Following Notice and Hearing. The motion carried by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton, and Reid

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider (Mayor)

Mayor Snider returned to his seat at the Council table.

APPEAL OF JIM PRYOR,  
LODI DEVELOPMENT, INC.  
APPEALING THE DECISION  
OF THE PLANNING COMMISSION  
TO DENY THE REQUEST FOR  
A USE PERMIT TO CONSTRUCT  
A SENIOR APARTMENT PROJECT  
CONTAINING 51-ONE BEDROOM  
APARTMENTS TO BE LOCATED AT  
217 NORTH SCHOOL STREET IN  
AN AREA ZONED C-2, GENERAL  
COMMERCIAL CONTINUED

CC-53(b)

Notice thereof having been published according to law, an affidavit of publication being on file in the City Clerk's Office, Mayor Snider called for the public hearing to consider the appeal of Jim Pryor, Projects Manager, Commercial Division, Lodi Development, Inc. appealing the decision of the Planning Commission to deny the request for a Use Permit to construct a senior apartment project containing 51 - one bedroom apartments to be located at 217 North School Street in an area zoned C-2, General Commercial.

The City Council was advised that Mr. Pryor had requested a two-week continuance on his appeal for the purpose of a

revised plan to be reviewed by the Planning Commission for approval at their next meeting.

On motion of Mayor Pro Tempore Hinchman, Olson second, the City Council at the request of the appellant, continued the appeal of the decision of the Planning Commission to deny the request for a Use Permit to construct a senior apartment project containing 51-one bedroom apartments to be located at 217 North School Street in an area zoned C-2, General Commercial.

PLANNING COMMISSION REPORT City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of May 14, 1990:

CC-35 The Planning Commission -

OF INTEREST TO THE CITY COUNCIL

- 1. Conducted a Public Hearing to consider recommending amendment to the Municipal Code (Zoning Ordinance) concerning height, size and location of detached accessory buildings and outlined the requirements to be placed in the proposed Ordinance.

This matter will be before the Planning Commission for final review at its meeting of June 11, 1990.

- 2. Conditionally approved the request of Terry Piazza, c/o Baumbach and Piazza, Consulting Engineers, on behalf of Spiro Anagnos, Trustee, for a Tentative Parcel Map to create two parcels at 847 North Cluff Avenue in an area zoned C-1, Neighborhood Commercial.

- 3. Conditionally approved the request of Terry Piazza, c/o Baumbach and Piazza, Consulting Engineers, on behalf of Allan Askew for a Lot Line Adjustment at 1930 Holly Drive (Lots 26 and 27, Lakeside Park) in an area zoned C-1, Neighborhood Commercial.

- 4. Initiated the following:
  - a. Amendment of the Land Use Element of the Lodi General Plan by redesignating 1930 Holly Drive from Commercial to Medium Density Residential; and
  - b. Rezoning of 1930 Holly Drive from C-1, Neighborhood Commercial to R-MD, Medium Density Multiple Family Residential.

- 5. Conditionally approved the request of Terry Piazza, c/o Baumbach and Piazza, Consulting Engineers, on behalf of William and Eva Graffigna for a Lot Line Adjustment at 10

Continued June 6, 1990

- East Lockeford Street (Lots 1 and 2, Block 21, City of Lodi) in an area zoned C-M, Commercial-Light Industrial.
6. Denied the request of Greg Tcherkoyan on behalf of Moss and Craig for a Zoning Variance to increase the individual business identification on a freestanding shopping center sign at 1420 West Kettleman Lane (Wine Country Plaza) from 100 square feet to 130 square feet in an area zoned P-D(15), Planned Development District No. 15.
  7. Approved the request of Keith Bohnet for a Zoning Variance to reduce the rearyard from 10 feet to 6 feet at 1004 South Cherokee Lane in an area zoned C-2, General Commercial.
  8. Conditionally approved the request of Faye B. Conklin for a Use Permit for a temporary office trailer for a wholesale ceramic mold distribution business at 322 North Sacramento Street in an area zoned M-2, Heavy Industrial.
  9. Continued consideration of the request of Dansa, Inc. for a Use Permit for a temporary office trailer at 271 South Guild Avenue in an area zoned M-2, Heavy Industrial.

COMMUNICATIONS  
(CITY CLERK)

CLAIMS CC-4(c)

On recommendation of the City Attorney and the City's Contract Administrator, Insurance Consultant Associates, Inc., the City Council, on motion of Mayor Snider, Hinchman second, denied the following claims and referred them back to the City's Contract Administrator:

- a) Laurene M. Sherman, Date of loss 3/6/90
- b) Ohio Casualty Insurance (John Scruggs),  
Date of loss 9/28/89
- c) Todd Celiz and Sharon Lovell, Date of  
loss 8/18/89

PUC APPLICATIONS

CC-7(f)

City Clerk Reimche advised the City Council that three PUC applications have been filed by Pacific Gas and Electric Company for increases in its electric and gas rates:

- a) Application No. 90-05-011 filed on May 8,  
1990

Continued June 6, 1990

- b) Application No. 90-04-041 filed on April 25, 1990
- c) Application No. 90-05-003 filed on May 1, 1990

RIGHT-OF-WAY  
ENCROACHMENTS

CC-16 City Clerk Reimche presented a letter which had been received from Kenneth W. McConnell, Henderson Bros., Co., Inc. requesting a meeting regarding public right-of-way encroachments. The City Manager advised the City Council that he had tentatively scheduled this topic for discussion at a Shirtsleeve Session to be held on July 3, 1990.

APPEAL RECEIVED REGARDING  
PLANNING COMMISSION'S  
DENIAL OF A ZONING VARIANCE  
TO ADD SIGN SPACE TO THE  
EXISTING MONUMENT SIGN  
LOCATED IN FRONT OF WINE  
COUNTRY PLAZA

CC-53(b) City Clerk Reimche advised the City Council that a letter had been received from Jennifer Reich, Property Manager, Moss and Craig appealing the Planning Commission's denial of a zoning variance to add sign space to the existing monument sign located in front of Wine Country Plaza.

The letter of appeal was received after the deadline of the appeal period as set forth in the Lodi Municipal Code. City Attorney McNatt expressed his concern in waiving the deadline for receiving this appeal as it may be precedent setting.

On motion of Mayor Pro Tempore Hinchman, Reid second, the City Council determined that the letter had been received after the deadline and rejected the appeal.

SAN JOAQUIN DELTA  
COLLEGE NOTIFIES CITY  
OF ITS INTENTION TO SELL  
CERTAIN REAL PROPERTY IN  
THE CITY OF LODI

CC-27(a) City Clerk Reimche presented a letter which had been received from San Joaquin Delta College notifying the City of Lodi pursuant to 81363.5 of the Education Code that San Joaquin Delta Community College District proposes to sell certain real property situated in the City of Lodi which is no longer required for community college purposes. This is a single-family residence located at 420 Yokuts, Lodi.

Continued June 6, 1990

- b) Application No. 90-04-041 filed on April 25, 1990
- c) Application No. 90-05-003 filed on May 1, 1990

RIGHT-OF-WAY  
ENCROACHMENTS

CC-16

City Clerk Reimche presented a letter which had been received from Kenneth W. McConnelly, Henderson Bros., Co., Inc. requesting a meeting regarding public right-of-way encroachments. The City Manager advised the City Council that he had tentatively scheduled this topic for discussion at a Shirtsleeve Session to be held on July 3, 1990.

APPEAL RECEIVED REGARDING  
PLANNING COMMISSION'S  
DENIAL OF A ZONING VARIANCE  
TO ADD SIGN SPACE TO THE  
EXISTING MONUMENT SIGN  
LOCATED IN FRONT OF WINE  
COUNTRY PLAZA

CC-53(b)

City Clerk Reimche advised the City Council that a letter had been received from Jennifer Reich, Property Manager, Moss and Craig appealing the Planning Commission's denial of a zoning variance to add sign space to the existing monument sign located in front of Wine Country Plaza.

The letter of appeal was received after the deadline of the appeal period as set forth in the Lodi Municipal Code. City Attorney McNatt expressed his concern in waiving the deadline for receiving this appeal as it may be precedent setting.

On motion of Mayor Pro Tempore Hinchman, Reid second, the City Council determined that the letter had been received after the deadline and rejected the appeal.

SAN JOAQUIN DELTA  
COLLEGE NOTIFIES CITY  
OF ITS INTENTION TO SELL  
CERTAIN REAL PROPERTY IN  
THE CITY OF LODI

CC-27(a)

City Clerk Reimche presented a letter which had been received from San Joaquin Delta College notifying the City of Lodi pursuant to 81363.5 of the Education Code that San Joaquin Delta Community College District proposes to sell certain real property situated in the City of Lodi which is no longer required for community college purposes. This is a single-family residence located at 420 Yokuts, Lodi.

LETTER REGARDING CITY  
REQUIREMENTS OF A WATER  
LINE TO SUPPLY FIRE  
HYDRANTS AND FIRE  
SPRINKLERS IN VARIOUS  
TYPES OF STRUCTURES  
AROUND THE CITY

CC-16

City Clerk Reimche presented the following letter which had been received from Charlie Rye regarding the City's policy concerning the requirement of a water line to supply fire hydrants and fire sprinklers in various types of structures around the City and a draft reply to the letter which had been prepared by Staff:

As a concerned citizen I am writing you this letter. While working in construction for the last 30 years, many in Lodi, I find it upsetting to observe the procedure the City of Lodi, requires the building contractor to follow for the provision of a water line to supply fire hydrants and fire sprinklers in various types of structures around the City.

After the installation of the underground 8" fire line it is required by the Public Works Department, City of Lodi, to pay them a \$5,000.00 deposit to obtain a double check valve-water meter configuration approximately 7' - 13" long, to be installed in line close to the City domestic water supply. The purpose of the check valve arrangement is to prevent water from the new line to flow back into the City water supply, as the new pipe might have bacteria in it and contaminate the City's domestic water supply.

The new pipes are installed with chlorine tablets affixed to the inside walls. After the new lines are filled with water they are left full to allow the tablets to dissolve for 3 days in order to kill any bacteria in the new lines. After this process the contractor is required to connect 2" fire hoses from the new hydrant to the City's storm drain and purge the system for 48 hours. The Public Works Department, then comes out to take water samples to their testing lab. After 3 days the results are recorded and if they are found to not be within the allowed limit the purging starts again to the point of water bills of \$2,000.00 to \$3,000.00. One job required 19 acre feet of water which equals 6,250,000 gallons. With all of this in mind it is interesting to note the domestic drinking water going to these buildings and all houses is not tested.

I fully understand that it is the intent of the City to keep our drinking water safe. I just think there are better ways of doing this in view of our drought conditions. A simple check valve system would solve their problem if it were installed in the first place and left

Continued June 6, 1990

alone. This would be somewhat less expensive to the contractor, owner and the City as well.

Your attention to this matter would be greatly appreciated.

Respectfully submitted,

Charlie Rye

KING VIDEOCABLE ANNOUNCES  
NEW LIMITED BASIC SERVICE

CC-22(c) City Clerk Reimche advised the City Council that the City was in receipt of a letter from Deanna Enright, General Manager, King Videocable Company advising that King Videocable is offering a new "limited basic service" for \$2.20 per month less than the basic service currently available to subscribers. The difference is that the company will remove 18 satellite channels from the existing basic service and offer this new package at the lower rate.

APPOINTMENT AND  
REAPPOINTMENTS TO VARIOUS  
CITY BOARDS AND COMMISSIONS

CC-2(k) On motion of Council Member Olson, Reid second, the City  
CC-2(d) Council concurred with the following appointment and reappointments to various City Boards and Commissions:

Appointment: Lodi Arts Commission - Eileen M. St. Yves,  
three-year term expiring July 1, 1993

Reappointment: Lodi Arts Commission - Barbara Bennett,  
three-year term expiring 7/1/93

Reappointment: Lodi Library Board of Trustees - C. M.  
Sullivan, three-year term expiring 6/30/93

REGULAR CALENDAR

SUBLEASE AGREEMENT WITH  
GEORGE SAKURAI TO  
OPERATE THE GOLF DRIVING  
RANGE

CC-27(b) Presented for the City Council's approval was a sublease  
CC-90 agreement with George Sakurai to operate the Golf Driving Range. A proposed agreement covering a two-year period from July 1, 1990 through June 30, 1991 was presented for Council's approval.

Also presented to the City Council was a termination of joint partnership between George Sakurai and Ken and Rose Wallenberg for the operation of the Golf Driving Range.

Continued June 6, 1990

Following discussion, it was suggested that the sublease agreement with George Sakurai be for a three-year period.

On motion of Council Member Reid, Olson second, the City Council approved a 3-year Sublease Agreement with George Sakurai to operate the Golf Driving Range and authorized the City Manager and City Clerk to execute the subject agreement on behalf of the City.

FARMERS MARKET  
OPERATION - 1990

CC-6

The City Council received a proposal from representatives of the Farmers' Market regarding the operation of the market in downtown Lodi for this season.

Following a brief discussion, the City Council, on motion of Council Member Pinkerton, Olson second, approved the proposal as outlined.

AMENDMENT OF CITY CODE  
PERTAINING TO USE OF  
FIRE WALLS IN LIEU OF  
THE INSTALLATION OF  
FIRE SPRINKLERS

ORD. NO. 1489 INTRODUCED

CC-24(b)  
CC-149

The City Council was reminded that at its meeting of April 18, 1990, it adopted Ordinance No. 1482 entitled, "Adoption of the 1988 Uniform Fire Code as amended. One of the amendments to the Fire Code was the requirement that automatic fire sprinklers be installed in all buildings hereafter constructed if the building was in excess of 6,000 square feet, three or more stories in height, or remodeled in excess of \$100,000 and met the above noted criteria. The Council, in response to concerns that we had not included the allowance of two hour fire walls, directed the Fire Chief to meet with those expressing such concern. Such meetings were held and agreements reached on the allowance of the use of fire walls as written in this amendment.

At the Council meeting of May 16, 1990 the Council directed the Fire Chief to rewrite Section 10.306 (h) (4). The rewording of this section is included in the amendment presented to the Council.

Following discussion, on motion of Council Member Pinkerton, Olson second, the City Council introduced Ordinance No. 1489 amending Section 15.20.00 of the Lodi Municipal Code to allow the use of fire walls in lieu of the installtion of fire sprinklers.

Continued June 6, 1990

IMPROVEMENTS ON CHURCH  
STREET, SWAIN DRIVE TO  
KETTLEMAN LANE

CC-45(e)

The City Council was advised that the 1989/90 Street Capital Improvement Program includes funds for design work on the reconstruction of Church Street from Kettleman Lane to 100 feet north of Swain Drive. The plan was to construct the project in the summer of 1990 using additional funds to be appropriated in the 1990/91 Capital Improvement Program. There are eight parcels on the west side of Church Street that do not have curb, gutter and sidewalk. Earlier, Council expressed an interest in having these frontage improvements installed.

1900 Block

At the southerly four parcels (1900 block), the necessary rights-of-way for these improvements were dedicated when the parcels were in the County. It is recommended that, following a positive determination by the City Council, staff notify the owners as required by law and proceed to include these improvements as separate schedules in the Church Street project. The owners would have three payment choices:

- 1) Install the improvements on their own prior to the project
- 2) Agree to reimburse the City for doing the work as part of its project
- 3) Wait for the City to formally lien the property.

The estimated construction cost of these improvements ranges from \$1,300 to \$2,000 depending on the length of the parcel's frontage. The City could add various engineering and administrative costs. It is recommended these be waived if the owners opt for choice 1 or 2 described above. The parcels all have City water and sewer.

1700 Block

At the northerly four parcels (1700 block), the City needs to acquire 10 feet of right-of-way in order for the improvements to match the rest of the street. In order to expedite this process, staff recommends that the City offer to exchange the right-of-way for the installation of improvements and sewer hookups. These parcels already have City water.

This offer would include the following:

- Curb, gutter, and sidewalk
- Transition paving
- Sanitary sewer tap, connection fee and main reimbursement
- Water service upgrade to present standards.

The value of these items is very close to the estimated value of the right-of-way based on comparison to recent acquisitions of other property for street projects. Thus, an even exchange is reasonable. The property owner would be responsible for the cost of abandoning septic systems should they elect to connect to the sewer. Of course, the property owners may not agree to the exchange. In that case, the City would have an appraisal done on the unimproved property and, if necessary, could use the eminent domain process to acquire the right-of-way. Following that, according to the City Attorney, the City would use the Streets and Highways Code to require the property owners to install their improvements similarly to the four parcels in the 1900 block. This cost, as described earlier, would be borne by the property owner.

If the Council determines that curb, gutter and sidewalk fronting all eight parcels should be installed, it is recommended that the City Council set a public hearing for June 20, 1990. This hearing provides the property owner an opportunity to object to or protest this decision.

The total process will probably delay the project beyond the summer construction season if the work was to be included. However, the street project could be constructed without these frontage improvements. This would result in an unimproved shoulder in these areas.

Following discussion, on motion of Mayor Pro Tempore Hinchman, Reid second, the City Council determined the need for installation of curb, gutter and sidewalk at 1729, 1771, 1773, 1775, 1905, 1907, 1909, and 1911 South Church Street, set a public hearing regarding the matter for Wednesday, June 20, 1990, and directed staff to proceed with the project.

JOINT USE AGREEMENT  
 BETWEEN THE CITY OF  
 LODI AND THE LODI UNIFIED  
 SCHOOL DISTRICT

CC-7(e)  
 CC-90

The City Council was informed that over the past three and a half years staff has been meeting with the school district to iron out a reflective agreement of what each sees as areas to be addressed and understandings of same.

The core of this agreement is to consolidate a number of agreements and try to bring it together into a general master agreement. This document will supersede:

1. Reciprocal use of recreation facilities executed April 19, 1969.
2. Reciprocal use of the Grape Bowl - renegotiated every three years.
3. Mowing services at District athletic fields, effective October 15, 1984.
4. Reciprocal use of Tokay High School pool, dated December 21, 1977.
5. And all other written agreements not otherwise noted herein between the City and District for reciprocal use of facilities are declared void.

#### Major Items Covered Under This Joint Use Agreement

1. Mowing - The City of Lodi would continue to mow all school sites and open athletic field areas within the City limits of Lodi (including Woodbridge School). We have established the approximate number of times we'll mow, will provide equipment and manpower to do so, and will charge the school for this service on a per mow basis--accounting for same once a year. We currently mow all schools with the City limits but only charge for Woodbridge, Heritage, Lodi and Tokay High Schools.
2. Reciprocal Use of Facilities
  - A. Tokay/Lodi High Pools - We've addressed language for use and charges to City on a per hour basis for same.
  - B. Lodi Grape Bowl - Language again that will address school uses, scheduling requirements, use by Grape Festival, charges for use, staff of facility by both parties for use, accounting of uses by district, i.e., head count because of flat fee of head count fee, utility charges for use, food concession agreement, etc.
  - C. Other Facilities - This generally covers scheduling of all other facilities, both City and Schools, and charges for same.

Continued June 6, 1990

3. Access to Facilities
  - A. Reservation/Bumping - Long an issue, especially with the School District. We've tried to clean up reservation procedures and address our concern of being bumped out of school facilities for very minor activities where school district's staff does not organize themselves and all of a sudden, schedules another use of facility on top of our program. Hopefully, the language and understanding of "emergency use" is understood and this problem will no longer exist. (The statement "requires closing or nonuse of such a facility" should provide us with some limited fears of cancellation.)
  - B. Fees/Charges for Other Facilities - General language to address reciprocal use of other facilities reflecting actual operating costs to open/close, etc.
4. Hold Harmless - Addressing use liabilities, insurance language for both parties, damage statements of facilities and repair obligation of same, litigation language and the like.
5. Yearly/Annual Settlement of Accounts - It is our plan to account for all uses and charges once a year on March 1. Each shall present their statements; the party owing money will make the appropriate payment to the other by April 1. Also, each shall present their anticipated uses or services to the other to assist in better recognizing uses and financially we could or should realize about \$25,000 per year in school fees to us.

On motion of Council Member Reid, Olson second, the City Council approved the Joint Use Agreement between the City of Lodi and the Lodi Unified School District. This Agreement would cover a ten (10) year period of time. Further the City Manager and City Clerk were authorized to execute the agreement on behalf of the City.

Continued June 6, 1990

INSURANCE PROGRAM FOR  
RENTAL OF CITY FACILITIES  
APPROVED

CC-21(c)

The City Council was advised that one of the requirements in the renting of a City facility by an individual or an organization is that the renter provide proof of adequate insurance coverage naming the City of Lodi an additional insured. Administering this requirement has been a most difficult assignment. For reasons unknown to anyone, obtaining a Certificate of Insurance naming the City an additional insured is a request that seems to confound many insurance companies. The City frequently either does not receive what is required, or if it does, the terms and conditions of the certificate are amended at the eleventh hour. This then results in last-minute, hurried efforts to seek out the insurance carrier, the renter, or both. The frustration level is very high and the renter becomes distraught over the prospect of the event being cancelled because the required insurance is not in place. The scenes can be most unpleasant.

Discussions with the City's insurance consultant, Mr. Jim Elson, have produced an insurance coverage program that staff believes will meet both the City's and the renters' needs. This program will provide the general liability coverage the City requires at a minimum cost to the renter of the facility. The premium is based on hazard schedules presented in the attached. The premiums for a single date event are based on the hazard schedule, plus the number of people attending the event. The premium rate schedule is listed below. For example, a wedding reception, which is listed in Hazard Schedule I, with 200 people in attendance, would be charged an insurance premium of \$80. A rock concert in the Grape Bowl (Hazard Schedule III), with 4,000 people in attendance, would be charged \$600. The coverage requires a minimum retained deposit, which would be a City expenditure of \$2,500. If the City subsequently cancels this agreement, the deposit is returned.

This program will insure that the City of Lodi has appropriate insurance coverage for every event in City facilities rented for private use and/or private enterprise-staged productions.

Following discussion, on motion of Council Member Reid, Olson second, the City Council approved an agreement with Max Elson Insurance, Inc. to provide insurance coverage for the City in connection with the rental of various City facilities for private functions and public shows, and authorized the City Manager and City Clerk to execute same.

PREMIUM SCHEDULE

ADMISSION RANGES	RATES PER CLASS		
	I	II	III
1 - 100	40	75	150
101 - 500	80	150	250
501 - 1,500	120	200	350
1,501 - 3,000	180	300	450
3,001 - 5,000	240	375	600
5,001 - 10,000	350	450	750
10,000 +	TO BE DETERMINED		

CALIFORNIA TRANSIT  
INSURANCE POOL (CAL TIP)  
MEMBERSHIP APPLICATION

CC-21.1(i)

The City Council was advised that the California Transit Insurance Pool (CalTIP) is a joint powers insurance authority much like California Joint Powers Insurance Authority (CJPIA). Its primary purpose is to provide liability insurance for transit systems.

The City presently is paying in excess of \$50,000 for liability insurance for our Dial-A-Ride system. If we are approved for membership in CalTIP, we can purchase coverage with a \$0 self-insured retention at approximately \$30,000 and a \$25,000 self-insured retention at approximately \$20,000.

The concept is much like the CJPIA in that we share losses based on our own experience.

Since the inception of Dial-A-Ride we have had only one or two incidents which resulted in claims.

Continued June 6, 1990

Following discussion, the City Council, on motion of Council Member Olson, Hinchman second, authorized the City of Lodi to apply for membership in the California Transit Insurance Pool (CalTIP) and to pay the appropriate application and admission fees.

PURCHASE OF TEL-A-TEND  
SYSTEM APPROVED

CC-24(b)  
CC-118  
CC-169

The City Council was advised that the "Tel-A-Tend" System is a computer which telephones people who live alone and raises an alarm if the person called does not pick up the telephone.

Twenty to twenty-five percent of the households are single person homes. Most of these are the elderly or disabled who have no one to look after them on a regular basis. This system provides a means to make daily contact with the person and provides a means of notifying a relative or a friend to provide assistance.

The San Joaquin County Department of Aging has funds available in their 1989-90 budget to contribute to this system and will reimburse the City \$2,500. In addition, they will provide a volunteer to process sign-ups and data entry.

Our greatest hazard will be the volume of people signing up for the service. This can be alleviated by using a dedicated telephone line so it does not tie up existing lines and the use of volunteers to process the initial sign-ups and data entry.

This is a unique program and one that truly will show this is a City that does care for its citizens. Council is strongly urged to approve this program and the expenditure of these dollars. Police Chief Williams was in attendance and responded to questions as were posed by members of the City Council.

Following discussion, on motion of Mayor Pro Tempore Hinchman, Olson second, the City Council authorized the purchase and installation of the "Tel-A-Tend" System. The funds for this system, approximately \$5,250, will come from the Contingency Fund. However, the San Joaquin County Department of Aging will provide \$2,500 of this funding.

1990-91 OPERATING  
BUDGET REVIEW

CC-21(b)

Because of the lateness of the hour, the City Council determined that it would not continue with the 1990-91 Operating Budget review at this meeting.

Continued June 6, 1990

ADJOURNMENT

There being no further business to come before the City Council, Mayor Snider adjourned the meeting at approximately 12:50 a.m., June 7, 1990.

ATTEST:

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk