

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, MARCH 22, 1989
ADJOURNED REGULAR MEETING
7:30 P.M.

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

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

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

PRESENTATIONS

PROCLAMATIONS A proclamation proclaiming "National Cable Television
Month" was presented by Mayor Pinkerton.
CC-37

CONSENT CALENDAR In accordance with report and recommendation of the City
Manager, Council, on motion of Council Member Olson,
Hinchman second, approved the following items
hereinafter set forth with the exception of agenda item
No. E-15 - Adoption of resolution entitled, "A Resolution
of the Lodi City Council Adopting by Reference, Certain
Rules and Regulations for the Electric Utility Department",
which was removed from the Consent Calendar and acted upon
at a later point on the agenda.

CLAIMS CC-21(a) Claims were approved in the amount of \$2,455,063.39.

MINUTES The Minutes of the City Council meetings of January 25,
1989, February 1, 1989 and February 15, 1989 were approved
as written.

RE-ADVERTISEMENT FOR
BIDS ON ONE UTILITY
VAN BODY TRUCK
APPROVED

CC-20 The City Council authorized re-advertisement for bids on
CC-47 one utility van body truck. The bid opening date was set
for Friday, April 7, 1989.

The City Council was advised that at the Council meeting of
February 1, 1989, the Council approved the specifications
for one utility van body truck and authorized advertisement
for bids thereon with a bid opening date set for Tuesday,
February 21, 1989.

At the bid opening, no bids were received. Subsequent to
the bid opening, the Department contacted prospective
bidders to determine the reason for the "no bids received"
situation. Due to concerns about conflict of interest
among prospective bidders, i.e. body manufacturer vs.
distributor, no bids were submitted by either entity.
However, the City has been assured that both entities will
in fact submit bids in a rebid situation.

Continued March 22, 1989

The estimated cost of this purchase is \$28,000. Funding is included in the 1988-89 fiscal year budget.

AWARD CONTRACT FOR
WATER WELL NO. 11
ABANDONMENT, 6013
EAST HIGHWAY 12

RES. NO. 89-25

The City Council adopted Resolution No. 89-25 awarding the contract for Water Well No. 11 Abandonment, 6013 East Highway 12, to Layne Western Company, Inc. in the amount of \$5,060.00.

CC-12(a)

The City Council was advised that this project is for the abandonment of Well No. 11. The well is an open hole type well, drilled in 1959. It has been out of service since 1981 for high dibromochloropropane (DBCP) test results and excess sand production. Past attempts to rehabilitate problem wells of this type have been costly and generally not successful. Therefore, abandonment is recommended.

Plans and specifications for this project were approved on February 15, 1989.

The City received the following three bids for this project:

<u>BIDDER</u>	<u>LOCATION</u>	<u>BID</u>
Engineer's Estimate		\$6,800.00
Layne Western Company, Inc.	Woodland	\$5,060.00
Goehring Pump & Irrigation, Inc.	Lockeford	\$6,024.60
Moorman's Water Systems, Inc.	Stockton	\$8,450.00

BID AWARDED FOR
PURCHASE OF TRUCK
CAB AND CHASSIS
WITH COMBINATION
CATCH BASIN AND
SEWER CLEANING
MACHINE

RES. NO. 89-26

The City Council adopted Resolution No. 89-26 awarding the contract for one truck cab and chassis with combination catch basin and sewer cleaning machine, in the amount of \$164,760.93 to Nixon-Egli Equipment Company. Additionally, the City Council authorized the City Manager to transfer \$2,580 from the Sewer Capital Outlay Reserve to cover the overage above the amount budgeted.

CC-12(d)

CC-47

The specifications for the truck cab and chassis with combination catch basin and sewer cleaning machine were approved by the City Council at its meeting of February 15, 1989 and the following two bids were received:

<u>BIDDER</u>	<u>AMOUNT</u>
Nixon-Egli Equipment Co.	\$164,760.93
3T Equipment Co.	\$166,991.87

Continued March 22, 1989

TRANSFER OF FUNDS
FOR THE PURCHASE
OF SYSTEM CONTROL
AND DATA ACQUISITION
AUTHORIZED

CC-20
CC-21(a)
CC-47

The City Council authorized the transfer of funds in the amount of \$128,000 for the purchase of additional data memory and computer upgrade for the City's SCADA system.

The City Council was advised that in February 1984, the City purchased a computer-based SCADA (System Control and Data Acquisition) system. The SCADA system monitors, controls and collects vital operational data on a real time basis for the City's electric and water systems. In addition, the system stores, processes and prints periodic operational reports.

At present, the available memory of the system has been depleted (used up) by the functions and scope of use. In order to accommodate necessary expansions of the City's electric, water and storm systems (new Industrial Substation, wells and storm pumps), additional memory is required.

The manufacturer of the SCADA system has developed an upgrade/memory expansion package for this system that will expand the memory by seven (7) times. By upgrading the existing system, substantial savings will be achieved, since all existing field components as well as major portions of the master unit will remain in service, i.e. does not require replacement. Therefore, it is recommended that transfer of funds for the purchase of the SCADA system upgrade from the manufacturer (Landis and Gyr) be authorized as follows:

Electric Utility Department:

From - Utility Outlay Reserve	
To - 016.1-650.23 (519)	\$58,000

Public Works Department:

To be charged to new well and storm projects:

Well 22	018.1-460.22	\$20,000
Well 23	018.1-460.23	20,000
Well 24	018.1-460.24	20,000
C-Basin	123.0-525.29	10,000

IMPROVEMENTS ACCEPTED
UNDER LAWRENCE PARK
SPRINKLER SYSTEM,
350 NORTH WASHINGTON
STREET, CONTRACT

CC-90

The City Council accepted the improvements for "Lawrence Park Sprinkler System, 350 North Washington Street" and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The City Council was advised that the contract was awarded to Harris/Duley Landscape and Maintenance of Tollhouse on November 16, 1988 in the amount of \$29,600.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The actual completion date was February 17, 1989. The final contract price was \$30,200.00. The difference between the contract amount and the final contract price is mainly due to extras requested by the Parks and Recreation Department.

Continued March 22, 1989

NEW ACCESS AT 1951
SOUTH CHEROKEE
LANE (CENTURY PLACE)
APPROVED

RES. NO. 89-27 The City Council adopted Resolution No. 89-27 granting a
30-foot driveway at 1951 South Cherokee Lane (Century
CC-45(b) Place).

The City Council was advised that when the Division of Highways relinquished Cherokee Lane to the City of Lodi, they also gave to the City certain access rights in the area south of Vine Street. In order to have legal access, it is necessary for property owners to receive approval from the City Council to add new driveways.

The new driveway location will conform to the approved tentative map of Century Place, Tract No. 2265. The Public Works Department has reviewed the request for this new driveway and is recommending that a resolution be adopted by the City Council approving one new driveway.

RENEWAL OF AGREEMENT
WITH FAMILY SERVICE
AGENCY APPROVED

CC-6
CC-34
CC-90

The City Council approved the renewal of an agreement with Family Service Agency for the Employee Assistance Program and authorized the City Manager and City Clerk to execute the renewal agreement on behalf of the City.

APPROVE PURCHASE
AGREEMENT FOR
RIGHT-OF-WAY AT
228 SOUTH HUTCHINS
STREET AND AUTHORIZE
THE CITY MANAGER AND
CITY CLERK TO EXECUTE
THE AGREEMENT

CC-6
CC-27(a)
CC-90

The City Council approved the purchase agreement for right-of-way at 228 South Hutchins Street and authorized the City Manager and City Clerk to execute the agreement.

The City Council was advised that in June 1988, the City Council authorized the Public Works Department to proceed with the acquisition of right-of-way at 228 and 232 South Hutchins Street. The property at 232 South Hutchins Street was acquired in January 1989. Agreement has now been reached with Henrietta Hoff, the owner of 228 South Hutchins Street, and the City will pay \$5,200 for a 10-foot strip along the front of her property.

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

RES. NO. 89-28 The City Council adopted Resolution No. 89-28 - "Resolution
Declaring Weeds a Public Nuisance and Initiating Abatement
CC-24(b) Proceedings on Various Parcels Throughout the City", and
set the matter for public hearing at the regular meeting of
April 19, 1989.

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

Continued March 22, 1989

Staff is in receipt of a list from the Fire Department of 317 parcels within the City that are not in compliance with weed abatement requirements. It was recommended that Council adopt Resolution No. 89-28 - Resolution Declaring Weeds a Public Nuisance and Initiating Abatement Proceedings, as provided under the State of California Government Code Section 39501 et seq. The subject resolution also calls for a public hearing to be held concerning this matter at the regular council meeting of April 19, 1989.

PROPOSED NOISE
ORDINANCE INTRODUCED

ORD. NO. 1449
INTRODUCED

CC-6
CC-146
CC-149

The City Council introduced Ordinance No. 1449, entitled, "An Ordinance of the City Council of the City of Lodi Enacting a Noise Regulation Ordinance".

City Attorney McMatt apprised the City Council that the proposed ordinance is comprehensive, making provision for enforcement by both mechanical means (a decibel meter) and by objective criteria as determined by the listener. The ordinance may be enforced by either the Police Department or a member of the Community Development Department. The "public nuisance noise" portion of the ordinance addresses noise in general, and allows enforcement based on 11 specified criteria. This is the more general noise regulation and would require an assessment of the noise based on the statutory criteria. The nature, source and time of the noise would each be only single considerations in the overall evaluation. It would require a more involved report by the enforcing person, to accompany either the citation or crime report.

The second major segment (excessive, offensive or disturbing noise) is focused on mechanically or electronically amplified sounds such as car stereos, live bands, televisions, etc. located on public streets or rights of way, or in and around public parks. This section is enforceable based on a standard of clear audibility by a person of normal hearing at a distance of 50 feet.

In certain residential areas, between the hours of 10:00 p.m. and 7:00 a.m., a decibel meter may be used to regulate noise exceeding 5 decibels above the background sound levels.

An "animal noises" section is also provided to supplement the "barking dog" statute already found in the Municipal Code.

Exemptions are provided for certain activities such as sirens, emergency work, amplified sound generated by an activity licensed by the City and activities involving health or sanitation such as refuse collection.

Violation would be deemed an infraction punishable by a fine of up to \$250.00.

This statute is not intended as an all-encompassing remedy for every situation in which one party is bothered by the sounds generated by others. There may still be situations involving neighbors which are remedial only by a private nuisance lawsuit. However, the statute as drafted should provide a valuable tool for the Police Department and Community Development Department in dealing with situations which heretofore have been beyond the scope of the City's enforcement powers. In those situations in which the noise

Continued March 22, 1989

involved could be deemed "willful and malicious", Penal Code Section 415 (disturbing the peace) would still be available.

ORDINANCE REGARDING
"CURBSTONING" INTRODUCED

ORD. NO. 1450
INTRODUCED

CC-45(i)
CC-149
CC-150
CC-171

The City Council introduced Ordinance No. 1450 regarding "curbstoning" entitled, "An Ordinance of the Lodi City Council Repealing Lodi Municipal Code Chapter 10.44.040 and Reenacting a New Chapter 10.44.040".

The City Council was reminded that at the meeting of September 7, 1988, the Council directed staff to prepare a revised curbstoning ordinance in response to the Lodi Municipal Court's decision of August 8, 1988, overturning the City's existing ordinance which prohibited the parking of vehicles on a public street "... for the purpose of displaying such vehicle ... for sale ..." This blanket prohibition was deemed unconstitutional as an infringement on commercial speech.

The model ordinances provided by the League of California Cities were not much help, since they were all similar to the one overturned. This means the new ordinance was drafted without the aid of reference to other ordinances previously upheld. However, courts have in the past, approved "time, place and manner" restrictions (as opposed to total bans) on other constitutionally protected activities, and the new ordinance was prepared with that principle in mind. The draft ordinance presented for Council's review reflects those concerns expressed at the February 28, 1989 shirtsleeves session.

The ordinance would limit displays on vehicles, vessels and trailers to a single sign not exceeding one square foot, and prohibit any party from having more than two vehicles, vessels or trailers displaying such signs parked on City streets at any one time.

Although persons would be able to park vehicles, vessels or trailers with "for sale" signs on them in some areas, it would not be allowed within two hundred feet of any signalized intersection or four-way stop sign, based on safety considerations. Part D of the draft addresses situations in which people park vehicles in shopping center parking lots and other similar locations on the property of others in order to maximize exposure to passing traffic. This portion of the ordinance prohibits persons from parking on property not belonging to the owner of the vehicle without the express consent of the property owner or person in control of the property. In the absence of proof of owner's consent, the vehicle owner could be cited under this section.

The previous ordinance's limitation on parking vehicles on the street for painting, greasing, repairing, washing, polishing, etc. is retained.

City Attorney McNatt advised that although this may not prove to be as comprehensive as our previous ordinance, he believed it will withstand court scrutiny if challenged, and will provide some control over potential eyesores and traffic hazards.

Continued March 22, 1989

HOUSING AUTHORITY
OF THE COUNTY OF
SAN JOAQUIN 1988
ANNUAL REPORT
RECEIVED FOR
FILING

The City Council received for filing the Housing Authority of the County of San Joaquin 1988 Annual Report.

CC-7(b)
CC-25

Section 34328 of the State of California Health and Safety Code provides that, at least once a year, an authority shall file with the Clerk of the respective city and with the Department of Housing and Community Development a report of its activities for the preceding year. The report shall contain information adequate to determine that the requirements of Section 34312.3 have been met for any activity undertaken pursuant to that section.

RESOLUTION ADOPTED
CALLING UPON
CONGRESS TO RESIST
ALL EFFORTS TO
FURTHER LIMIT THE
USE OF TAX-EXEMPT
BONDS TO FINANCE
LOCAL GOVERNMENTAL
PROJECTS

RES. NO. 89-30

The City Council adopted Resolution No. 89-30 entitled "A Resolution Calling Upon Congress to Resist All Efforts to Further Limit Use of Tax-Exempt Bonds to Finance Local Government Projects."

CC-7(d)
CC-28

The City Council was apprised that from time to time there surfaces talk of Federal legislation that would impose a tax on the interest earned on State and local government bonds. A recent U. S. Supreme Court decision (South Carolina vs. Baker) held that Congress may tax interest on State and local government bonds. Cities, acting through the League of California Cities, have consistently expressed strong opposition to this concept. A copy of House Concurrent Resolution No. 39 which states in part that "historically, Congress has respected the important role of these bonds in funding public projects by refraining from taxing the interest on such bonds" was presented for Council's review. The bottom line, of course, is that imposing a tax on these bonds increases the interest rates bid which translates to a far greater cost of the project at the direct expense of local taxpayers.

In view of the recent U. S. Supreme Court decision, it is important that cities once again express their united opposition to any efforts to limit the use of such bonds. This latest effort is being coordinated by the American Public Power Association. If approved, a copy of the subject resolution will be sent to Congressman Norman Shumway.

IMPROVEMENTS FOR
APPLE ORCHARD
SUBDIVISION, BOUNDED
BY TOKAY STREET ON
THE NORTH, COCHRAN
ROAD ON THE SOUTH,
AND LOWER SACRAMENTO
ROAD ON THE WEST
APPROVED

RES. NO. 89-34

The City Council adopted Resolution No. 89-34 accepting the subdivision improvements included in Tract Map No. 2159,

Continued March 22, 1989

CC-46 Apple Orchard Subdivision, which map was filed on July 6, 1988, in Volume 29, Page 1, Book of Maps and Plats, San Joaquin County Records.

The City Council was advised that improvements at Apple Orchard Subdivision have been completed in substantial conformance with the requirements of the Subdivision Agreement between the City of Lodi and James and Hilda Sanguinetti, dated June 1, 1988, 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>
Summerset Court	0.09
Wintergreen Court	0.07
Cochran Road	0.00
Tokay Street	0.00
Lower Sacramento Road	0.00
Total New Miles of City Streets	0.16

LEASES OF RENTAL OF VINEYARDS ADJACENT TO C-BASIN, ON EAST VINE STREET, EAST OF BECKMAN ROAD, APPROVED

The City Council approved the leases for the rental of vineyards adjacent to C-Basin, on East Vine Street east of Beckman Road, and authorized the City Manager and City Clerk to execute the leases.

CC-6
CC-27(a)

The City Council was advised that at the time the property was purchased for the expansion of C-Basin, it was anticipated that the vines would be removed this spring. However, that work will not now be done until next year and the farmers who were farming the property prior to the City's purchase would like to continue to farm that property again this year. Leases have been signed by D. and B. Jungeblut for the property to the east of C-Basin and by Daryl Geweke for the property to the south of C-Basin. Rent for the property is \$150 an acre. There are a total of 9- acres being leased under these two documents. The terms of the leases are from March 22 through the time the grapes are harvested or December 31, 1989, whichever is first.

RESOLUTION NO. 89-29,
ENTITLED, "A
RESOLUTION OF THE
LODI CITY COUNCIL
ADOPTING BY REFERENCE,
CERTAIN RULES AND
REGULATIONS FOR THE
ELECTRIC UTILITY
DEPARTMENT"
ADOPTED

The City Council was reminded that it had recently adopted Ordinance No. 1447 repealing Lodi Municipal Code (LMC), Sections 13.20.010 and 13.20.020 and reenacting Lodi Municipal Code Section 13.20.010 allowing adoption by Resolution of Rules and Regulations. This action will adopt the Rules and Regulations effective on the date Ordinance No. 1447 becomes effective.

CC-6
CC-51(d)

Continued March 22, 1989

The matter was introduced by City Manager Peterson and by Electrical Utility Director Henry Rice. Discussion followed with questions regarding the matter being directed to Staff. Mayor Pinkerton indicated that he felt the new Rules and Regulations were unfair in doing away with the reimbursement program earlier followed by the City.

Discussion followed with questions regarding the matter being directed to staff.

On motion of Council Member Hinchman, Olson second, the City Council adopted Resolution No. 89-29, entitled, "A Resolution of the Lodi City Council Adopting by Reference, Certain Rules and Regulations for the Electric Utility Department". The motion carried by the following vote:

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

Noes: Council Members - Pinkerton

Absent: Council Members - None

COMMENTS BY CITY
COUNCIL MEMBERS

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

JOANNE HOFFMAN
CONGRATULATED FOR
BEING SELECTED
LODI'S 1989 WOMAN
OF THE YEAR

Council Member Olson extended congratulations to Joanne Hoffman on being selected Lodi's 1989 Woman of the Year.

POLICE DEPARTMENT'S
EFFORTS IN SOLVING
NOISE PROBLEM
APPLAUDED

Council Member Hinchman complimented the Police Department on solving a noise problem which had recently been brought to his attention.

THE CASE OF THE
MISSING SALUTATION
OR WHY DIDN'T THE
"COP" WAVE???????

Council Member Hinchman explained that he is by nature a friendly person and is in the habit of waving to black and white units as he passes them. He was curious recently when the officer in a parked black and white didn't respond to his wave, until he discovered it was a dummy.

MAYOR PRO TEMPORE
SNIDER EXPRESSES
APPRECIATION TO
COMMUNITY FOR LOVE
AND CONCERN SHOWN
HIS FAMILY

Mayor Pro Tempore Snider expressed appreciation to his fellow council members, the City staff and to so many citizens of this community for their expressions of love and concern for his family. Mr. Snider reported that everyone in the family is doing well.

SISTER CITY TOUR

Mayor Pro Tempore Snider advised that Mayor Chuzo Hara has invited officials and citizens of their two Sister Cities, Lodi and Des Moines, Iowa, to join them in celebrating their centennial in October. A joint tour is being planned by Lodi and Des Moines. Mr. Snider urged all citizens who are interested in the tour to contact Gwinnett Mitchell.

Continued March 22, 1989

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:

INVITATION EXTENDED
TO WILDFLOWER SHOW
AND ART DISPLAY

Mr. Julian Bava, member of the San Joaquin County Historical Society extended an invitation to all citizens of this community to attend the Wildflower Show and Art Display, Saturday April 8th and 9th from 1:00 - 5:00 p.m., at the San Joaquin County Historical Museum.

PUBLIC HEARINGS

PUBLIC HEARING TO
ACCEPT COST OF
CONSTRUCTION REPORT
AND TO HEAR OBJECTIONS
FROM PROPERTY OWNERS
LIABLE TO BE ASSESSED
FOR INSTALLATION OF
SIDEWALK AT 1000
SOUTH HUTCHINS
STREET

RES. NO. 89-35

CC-45(e)

Notice thereof having been published and posted according to law, affidavits of said publication and posting being on file in the City Clerk's office, Mayor Pinkerton called for the public hearing to accept Cost of Construction Report and hear objections from property owners liable to be assessed for installation of sidewalk at 1000 South Hutchins Street.

The matter was introduced by City Manager Peterson who advised that there was one parcel within the Hutchins Street/Rimby Street to Vine Street project limits (1000 South Hutchins Street, Lodi) that did not have sidewalks. During the construction of this project, that property owner was notified that sidewalk must be installed. The property owner did not install the sidewalk, and after the time prescribed in the Streets and Highways Code, the City notified its contractor to do that work. The work has been completed, and the code requires that the legislative body set a time and place to accept the cost of construction report and hear objections which may be raised by the property owner who is liable for the construction.

After the cost of construction report is confirmed by the Council, the property owner will be billed. If the bill is not paid within five days, the Council must decide how the cost of the installation will be collected. The following alternatives are listed in the Streets and Highways Code as the means to collect these costs:

1. File a Notice of Lien on the property (Streets and Highways Code §5890). This lien is filed with the County Recorder and remains on the property until it is paid or until the City files an Action to Foreclose. With this alternative, it could be years before the City collects.
2. Order the Notice of Lien to be turned over to the tax collector (Streets and Highways Code §5893). The tax collector would collect the amount with the next year's property tax, and if it is not paid with next year's taxes, it would become delinquent and be handled the same as other delinquent property taxes. This is the way street light assessment districts are handled.

Continued March 22, 1989

3. Under Streets and Highways Code §5895, determine that the cost can be paid in annual installments, not to exceed ten years. Interest not exceeding 7% per annum may be charged. This does not, by itself, create a lien on the property.

City Attorney McNatt reviewed the heretofore listed alternatives with the City Council and advised that it is staff's recommendation that the City turn the Notice of Lien over to the tax collector to be collected with the next year's property tax, if the property owner has not paid within the required time. This method would be consistent with how the City now collects on street lighting districts.

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

Following discussion, the City Council took the following actions regarding this matter:

On motion of Council Member Hinchman, Reid second, the City Council adopted Resolution No. 89-35 confirming the Cost of Construction Report (\$1,378.65 - Parcel No. 045-110-29) and confirming the assessment against the real property.

On motion of Council Member Olson, Hinchman second, the City Council ordered the Notice of Lien to be turned over to the tax collector (Streets and Highway Code Section 5893). The tax collector would collect the amount with the next year's property tax, and if it is not paid with next year's taxes, it would become delinquent and be handled the same as other delinquent property taxes.

RECESS

Mayor Pinkerton declared a five-minute recess and the City Council reconvened at approximately 8:05 p.m.

PUBLIC HEARING
REGARDING OPTIONS
ASSESSMENT REPORT -
GENERAL PLAN
UPDATE

CC-35
CC-53(a)

Notice thereof having been published according to law, affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the Options Assessment Report, General plan Update.

The matter was introduced by City Manager Peterson and Community Development Director Schroeder.

Mr. Schroeder advised the City Council that the Planning Commission recommended that Option 2, as outlined in the subject report be the preferred Option and that the 2% growth rate be based on population rather than dwelling units.

Mr. Ron Bass, Jones and Stokes Associates, Inc. Project Manager, highlighted the process which include the following phases:

- I. Project Initiation
- II. Issue Identification
- III. Data Collection and Analysis
- IV. Identification and Screening of Planning Options
- V. Assessment and Review of Planning Options
- VI. Draft General Plan Preparation
- VII. Draft EIR/MEA Participation
- VIII. Public Review
- IX. Final General Plan/EIR/MEA

Continued March 22, 1989

Mr. Bass then indicated that we are presently at Phase V.

Mr. Bass and J. Laurence Mintier of J. Laurence Mintier and Associates reviewed in detail the subject document. (The Options Assessment Report - General Plan Update, City of Lodi is set forth in detail in the minutes of the joint meeting of the Lodi City Council and the Lodi Planning Commission which was held January 25, 1989).

The three options were explained in detail and are set forth below:

OPTION 1

Because this option is essentially identical to the City's existing General Plan, which limits development to lands within the existing City limits, the implications of Option 1 with respect to existing land use patterns, zoning, residential densities, commercial areas, and industrial areas are minimal.

OPTION 2

Implementation of Option 2 would result in the conversion of approximately 2,071 acres of vacant open space and agricultural land to urban uses, resulting in a substantial irreversible land use change. Of these 2,071 acres, an estimated 1,270 acres are in intensive agricultural production, 500 of which are currently under Williamson Act contract.

Implementation of Option 2 would remove land from agricultural production, extend the urban-rural-agricultural interface, and result in agricultural-residential conflicts.

OPTION 3

Implementation of Option 3 would result in the conversion of approximately 3,036 acres of vacant open space and agricultural lands to urban uses, resulting in a substantial irreversible land use change. Of these 3,036, an estimated 2,200 acres are in intensive agricultural production, 500 of which are currently under Williamson Act contract.

Implementation of Option 3 would result in the conversion of 2,448 more acres of land than Option 1 and 965 more acres of total land than Option 2. Of these 2,448 acres, Option 3 would result in the conversion of 2,042 more acres of productive agricultural land than Option 1 and 930 more acres than Option 2. In addition to existing land use conflicts, Option 3 would result in new agricultural-residential conflicts, potential commercial-residential conflicts, and potential office-commercial conflicts.

The following persons spoke in favor of Option 2:

- 1) Ann Cerney, 900 West Vine Street, Lodi
- 2) Walter Pruss, 2421 Diablo Drive, Lodi
- 3) Susan Hitchcock-Akin, 141 South Avena Avenue, Lodi

Mrs. Janet Pruss, 2421 Diablo Drive, Lodi, posed a number of questions regarding the subject.

There were no persons wishing to speak against Option 2.

Continued March 22, 1989

There were no persons wishing to speak either in favor of or against Option 3.

Mr. Jeryl Fry, 12495 North West Lane, Lodi, stated that he felt "we" ought to view things in a larger scope.

Mr. Dwight Harr, 1969 East Armstrong Road, Lodi, stated that he didn't want Lodi to be a market place for developers and stated that he didn't feel Option 1 was looked at fairly.

Mr. Carl Fink, 540 South Mills Avenue, Lodi, recommended that the "Study Area" boundaries be used for the General Plan area.

Mr. Barry Clark, 715 North School Street, Lodi, indicated that he would like the City Council to take into consideration how we can eliminate Stockton from growing up to the Lodi City limits.

Mr. Walter Pruss, 2421 Diablo, Lodi, representing the Historical Society of Lodi urged that a Historical Preservation Element be added to the Plan.

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

Discussion followed with questions regarding the matter being directed to Mr. Bass, Mr. Minitier, to Staff, and to those who had given testimony.

On motion of Council Member Hinchman, Reid second, the City Council concurred with the Planning Commission's recommendation that Option 2, as outlined in the Options Assessment Report, General Plan Update, as prepared by Jones and Stokes Associates and J. Lawrence Mintier and Associates, be the preferred Option (2% growth rate)

RECESS

Mayor Pinkerton declared a five-minute recess and the City Council reconvened at approximately 10:00 p.m.

PLANNING COMMISSION

Community Development Director Schroeder presented the following Planning Commission Report of the Planning Commission Meeting of March 13, 1989:

CC-35

The Planning Commission -

ITEMS OF INTEREST

1. Conditionally approved the request of David B. and Kimberly G. Young for a use permit for a residential day care facility for 12 children at 327 East Oak Street in an area zoned R-1, Single-Family (Eastside).
2. Conditionally approved the Tentative Parcel Map to reduce from 9 to 2 the number of parcels at 520 and 530 West Lodi Avenue (Payless/Lucky Stores) in an area zoned C-1, Neighborhood Commercial.

Certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on this matter.

3. Conditionally approved the request of Terry Piazza, Baumbach and Piazza, Consulting Engineers, on behalf of Roland and Carol Mounce for a lot line adjustment

Continued March 22, 1989

between 216 North Hutchins Street and 432 West Lockeford Street in an area zoned C-1, Neighborhood Commercial.

4. Conditionally approved the request of Yosh Mataga, Mataga Olds/Buick, Inc. for a use permit for a temporary sales office for one or two sales persons in a travel trailer at 880 South Beckman Road in an area zoned M-1, Light Industrial.

COMMUNICATIONS
(CITY CLERK)

CLAIMS

CC-4(c)

On recommendation of the City Attorney and ADJUSTCO, the City's Contract Administrator, the City Council on motion of Council Member Hinchman, Olson second, rejected the following claims:

- a) Keith Hurst, DOL 8/1/88
- b) George Gladius, DOL 8/14/88
- c) Lois D. Henson, DOL 12/20/88
- d) Sophia Olvera, guardian for Tyrone Schuler, DOL 11/2/88
- e) Viola Allenbaugh, DOL 8/15-16/88
- f) Peter Hironymous, DOL 12/24/88

APPOINTMENT TO LODI
ARTS COMMISSION

CC-2(k)

On motion of Council Member Hinchman, Olson second, the City Council concurred with the Mayor's appointment of Raquel Thompson to the Lodi Arts Commission to fill the unexpired term of Jim Levine whose term expires May 5, 1991.

CITY CLERK DIRECTED
TO POST FOR TERMS
EXPIRING ON LODI
ARTS COMMISSION

CC-2(k)

On motion of Council Member Hinchman, Snider second, the City Council directed the City Clerk to post for five terms which are expiring on the Lodi Arts Commission.

LETTER FROM STATE
CONTROLLER REGARDING
1987-88 SINGLE AUDIT
REPORT

CERTIFICATION

CC-7(f)

The City Council received a letter from Gray Davis, Controller of the State of California, regarding fiscal year 1987-88 single audit report certification and audit finding resolution.

COMPLAINTS RECEIVED
REGARDING PARKING
LOT AT NORTH
WASHINGTON STREET
AND LOCKEFORD
STREET

CC-16
CC-150

Following receipt of a letter from the American Legion, Lodi Post No. 22, regarding the parking lot at North Washington Street and Lockeford Street, the City Manager was requested to check to see if Mr. Stanley W. Harkness, dba Stan's Tours, is in violation of his Home Occupation Permit in the conduct of his business.

Further, it was suggested that the subject parking lot could have a time limit on vehicles parking there.

Continued March 22, 1989

LETTER RECEIVED
FROM NAOMI McCALLUM
CAREY REGARDING
HOUSING AND THE
HOMELESS

The City Council received a letter from Naomi McCallum Carey regarding housing and the homeless.

CC-25

CALIFORNIA TABLE
GRAPE COMMISSION
PRESIDENT APPLAUDS
CITY ON RECENT
STAND AGAINST SAN
FRANCISCO'S DECISION
TO BOYCOTT CALIFORNIA
TABLE GRAPES

The City Council received a letter from Bruce J. Obbink, President, California Table Grape Commission, expressing appreciation for the City Council's recent stand against San Francisco's decision to boycott California table grapes.

CC-6

REGULAR CALENDAR

CONTRACT FOR WELL
DRILLING, WELL 23,
55 EAST HARNEY LANE
AWARDED

RES. NO. 89-31

The City Council, on motion of Council Member Hinchman, Snider second, adopted Resolution No. 89-31 awarding the contract for the Well Drilling, Well 23, 55 East Harney Lane to Beylik Drilling, Inc. in the amount of \$98,460.00.

CC-12(a)

The City Council was advised that this well site is located on Harney Lane, west of Stockton Street and east of the Southern Pacific Rail Line. The project consists of drilling a production water well. The test well results have shown that sufficient water bearing strata are present to recommend the completion of this well to a depth of 547 feet. Most of the recent wells are between 300 and 400 feet deep. The additional depth of this well accounts for the higher project estimate.

Additional information from the drillers indicates prices are higher due to the drought, material costs have risen 20% over last year, and bonding and insurance costs have increased.

Plans and specifications for this project were approved on March 1, 1989.

The City received the following three bids for this project:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$ 85,000.00
Beylik Drilling, Inc.	La Habra	98,460.00
Clark Well & Equipment Co., Inc.	Stockton	109,850.00
Layne-Western Co., Inc.	Woodland	114,988.00

AMENDMENT NO. 2
TO PROJECT NO. 2
AGREEMENT OF THE
TRANSMISSION AGENCY
OF NORTHERN CALIFORNIA
APPROVED

RES. NO. 89-32

The City Council was advised that the Commission of the

Continued March 22, 1989

CC-6
CC-7(s)
CC-51(d)

Transmission Agency of Northern California (TANC) is proceeding with a proposed \$60 million note issue to provide for the payment of TANC's outstanding 1985 Revenue Anticipation Notes and to pay certain costs of the Project to keep Project completion on schedule. In this regard, each member of TANC is being requested to approve the above-noted amendment to the existing Project Agreement No. 2 to provide for such note financing.

The City of Lodi entered into the September 30, 1985, "Transmission Agency of Northern California Project Agreement No. 2 for the California-Oregon Transmission Project" (Agreement) with TANC and the other members of TANC.

The Agreement was amended July 1, 1988 by the "Transmission Agency of Northern California Project Agreement No. 2 for the California-Oregon Transmission Project Amendment No. 1."

Approval of the Project Agreement Amendment No. 2 pursuant to the proposed Resolution will ensure proper execution and delivery of the necessary documents for carrying out the transactions contemplated by the parties.

The City Council, on motion of Mayor Pro Tempore Snider, Hinchman second, by the following vote, adopted Resolution No. 89-32 approving Transmission Agency of Northern California-Amendment No. 2 to Project Agreement No. 2 for the California-Oregon Transmission Project and authorized the Mayor and City Clerk to execute the documents on behalf of the City:

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

Noes: Council Members - Pinkerton

Absent: Council Members - None

Abstain: Council Members - None

SUBMITTAL OF GRANT
APPLICATION TO
STATE OF CALIFORNIA
FOR LAND AND WATER
CONSERVATION GRANT
FUNDING FOR LODI
LAKE WILDERNESS AREA
IMPROVEMENTS APPROVED

RES. NO. 89-33

CC-27(c)
CC-175

The City Council on motion of Council Member Hinchman, Olson second, adopted Resolution No. 89-33 approving the submittal of a grant application to the State of California for a Land and Water Conservation Grant for the Lodi Lake Wilderness Area.

The City Council was reminded that at its March 7, 1989 meeting the Lodi Parks and Recreation Commission voted to recommend that the Council submit a grant application for improvements to the Lodi Lake Wilderness Area. These grants are awarded on a competitive basis whereby jurisdictions submit proposals for development of outdoor recreation areas and facilities. Local jurisdictions are required to submit evidence of 100% funding capability. If funding is awarded, local jurisdictions are reimbursed for 50% of the costs incurred, upon completion of the project.

Improvements to the Wilderness Area would include paving the path abutting the levee (1500 lineal feet); the introduction of a natural paving material known as Fibar to the path connecting the existing paved path with the new path (325 lineal feet); the introduction of native foliage at the base of the levee which will serve as a physical barrier to the homes along Edgewood Drive and provide a degree of visual separation; the temporary irrigation of this vegetation until stabilized; and the seeding of the respective areas with native wildflowers and plants (approximately 9 acres).

The paving of the path is designed to complete the loop path which was begun in 1980 with the construction of the middle path, also using Land and Water Conservation funds. The planting of the nature area and embankment with native foliage and wildflowers is also in concert with the Park Master Plan and will be accomplished at minimal cost by soliciting the assistance of Lodi Unified School District science classes, local docent groups, and various service clubs. These nature areas will serve the dual role as focal points for tours and food and habitat for wildlife.

The provision of trails for public viewing, access and the development of nature areas rank among the top priorities established by the California Department of Parks and Recreation. Accordingly, the City Council was encouraged to adopt this resolution enabling the Parks and Recreation Department to apply for the grant while reaffirming its commitment to the outdoor recreation needs of its citizens.

REQUEST FOR PROPOSALS
FOR AUDITING SERVICES
FOR THE CITY OF LODI
APPROVED

CC-6
CC-21(a)

The City Council was apprised that after the completion of the audit for fiscal year 1987-88, the City of Lodi received an initial proposal fee for services for the 1988-89 fiscal year which was felt to be significantly higher than preceding years' costs. Staff is of the opinion that it is in the best interest of the City of Lodi to explore the field for a comparison of audit firms' proposals.

The previous Audit Selection Committee was composed of:

Councilmember Fred Reid
Councilmember Randy Snider
General Mills Controller Rich Emde
Finance Director Robert Holm
Assistant City Manager Jerry Glenn

Following discussion with questions being directed to Staff, the City Council, on motion of Council Member Hinchman, Pinkerton second, approved Request for Proposals for Auditing Services for the City of Lodi, authorized the Finance Director to advertise the Request for Proposals for Auditing Services, and appointed the following committee to review proposals submitted:

Council Member Fred Reid
Council Member John R. (Randy) Snider
General Mills Controller Rich Mullenbach
Finance Director Robert Holm
Assistant City Manager Jerry Glenn

Continued March 22, 1989

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pinkerton adjourned the meeting at approximately 10:30 p.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk