

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, NOVEMBER 15, 1989
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, Deputy City
Clerk Perrin and City Clerk Reimche

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

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

PRESENTATIONS A proclamation for "Scouting for Food Good Turn Week" in
Lodi was presented to Patricia Menough and her troupe of Boy
Scouts.

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. Further, Agenda item No. E-11 - "Class
Specifications for Automotive Parts Coordinator" was
removed from the agenda.

CLAIMS CC-21(a) Claims were approved in the amount of 2,260,411.44.

MINUTES The Minutes of October 4, 1989, October 24, 1989 (Special
Meeting), and October 31, 1989 (Special Meeting) were
approved as written.

PLANS AND SPECIFICATIONS
FOR LANE LINE PAINTING,
VARIOUS STREETS, 1989
WERE APPROVED AS WRITTEN

CC-12.1(c) The City Council approved the specifications for Lane Line
Painting, Various Streets 1989, and authorized advertising
for bids to be received Wednesday, November 29, 1989.

This project provides painting of land lines on arterial
and collector streets on an annual basis, and approximately
50 percent of residential streets. Should the actual bid

be less than the amount budgeted, the difference will be used to paint additional lane lines.

A recap of lane lines and quantities is shown below:

| <u>Lane Line</u> | <u>Miles</u> |
|------------------------|--------------|
| Broken White/Yellow | 45.3 |
| Double Yellow | 12.6 |
| Eight-inch Solid White | 2.2 |
| Edge Line | 4.4 |
| Transitional | 0.6 |
| Federal Left Turn | 4.8 |
| Total Miles | <u>69.9</u> |

SPECIFICATIONS APPROVED AND
AUTHORIZATION TO ADVERTISE FOR
BIDS FOR THE PURCHASE OF
HIGH-PRESSURE SODIUM LUMINAIRES
GRANTED

CC-12.1(a)

The City Council approved the specifications for the purchase of a total of 200 High-Pressure Sodium Luminaires and authorized advertisement for bids thereon. The requirements include 120 100-watt and 80 250-watt luminaires.

The bid opening date has been scheduled for Tuesday, November 28, 1989.

The Electric Utility Department has issued preliminary work orders to replace Mercury Vapor lights with the more economical High Pressure Sodium lights.

Some of the areas where the conversions will take place are:

Turner Road between Stockton Street and Ham Lane, and
Lower Sacramento Road to Rutlege/Rainier/Garden Drives,
between Turner Road and Lodi Avenue

A portion of the quantity purchased will be placed in inventory to support routine maintenance and replacement.

Their estimated cost of this purchase is \$16,000. Funding is available for this purchase in the Public Works/Street Light Maintenance account.

SPECIFICATIONS APPROVED AND
AUTHORIZATION TO ADVERTISE
FOR WATTHOUR METERS GRANTED

CC-12.1(c) The City Council approved the specifications for the purchase of 576 watthour meters and authorized advertisement for bids thereon.

The bid opening date has been scheduled for Tuesday, November 28, 1989.

The meters will be used to meter electric energy usage at the following developments:

Sunwest 9, 10 and 11
Almond Drive Apartments
Geweke Estates

In addition, the meters will be required for other smaller developments throughout the City, to maintain an inventory for other needs as they develop, and for replacement of obsolete and deteriorated meters located during meter testing.

The estimated cost of this purchase is \$19,000, with delivery expected about 8 weeks after placement of order.

Funding is available in the Electric Utility Department's operating fund.

PURCHASE OF WASTEWATER
COLLECTION SYSTEM MANAGEMENT
SOFTWARE

RES. NO. 89-163

CC-12(d) The City Council approved the purchase of the Hansen
CC-47 Software Inc., Wastewater Collection System Management
CC-300 Software.

On August 16, 1989, the City Council approved a Request for Proposals (RFP) for the Wastewater Collection System Management Software (WCSM). The program is to be used for scheduling, tracking, and generating work orders for both preventative and non-scheduled maintenance work and for general wastewater system management. The RFP was for a turnkey system, including entry of existing data. The system was to be simple and understandable to non-technical users, as it is to be used by maintenance and clerical staff at the Municipal Service Center.

Four vendors responded. Their proposals were generally complete and responsive to the points raised in the RFP. The following is a summary of the costs:

Continued November 15, 1989

| Vendor | Software | Data Entry* | Training | Total |
|---|-------------|-------------|-------------|-------------|
| RJN Computer Services, Inc. Wheaton, IL | \$ 8,500.00 | \$ 8,010.00 | \$ 4,500.00 | \$21,010.00 |
| Hansen Software, Inc. Sacramento, CA | \$ 4,200.00 | \$19,550.00 | \$ 1,050.00 | \$24,800.00 |
| CH2M Hill Emeryville, CA | \$10,000.00 | \$27,500.00 | Included | \$36,500.00 |
| Public Works Software, Inc. Port Hueneme, CA | \$11,130.00 | \$25,500.00 | \$ 1,600.00 | \$38,230.00 |

*Date Entry includes an amount for estimated number of existing reports, as stated in the RFP, at the unit price proposed.

Due to the high cost of the CH2M Hill and Public Works Software, those packages were reviewed relatively quickly. Staff noted that the CH2M Hill software would be custom written for the City's application. This would be fine if the wastewater staff could concisely and completely express what was needed, however, staff's feeling has been that we are better off working with a commercial package that has gone through this process many times. In addition, future enhancements would be custom made and therefore relatively costly, whereas commercial packages are regularly updated, with the cost shared among many users who purchase the upgrade.

The RJN and Hansen packages were investigated closely and other users contacted. Staff prefers the Hansen package for the following reasons:

1. Site License - The Hansen price is for the City of Lodi as one site. We will be able to run copies on other computers, such as engineering or administration to do analysis and review or for training purposes. The RJN proposal is for one computer. A site license from RJN for the modules proposed would cost approximately \$3,000. If this cost were added to provide an equal basis of comparison, the cost difference between the two proposals is less than \$1,000.
2. Proximity of Company - The Hansen company is located in Sacramento, meaning on-site help is very close at hand. While RJN, located in Illinois, is willing to be present at start-up and training time and occasionally

has a representative in the area, there is no doubt that eventually on-site help will be more available and less expensive through Hansen. This is evident in the training prices.

3. User Group - The Hansen package has over 12 users within 100 miles, while RJN has none. Based on the Department's experience with other software (mainly the computer-aided drafting system), a local users' group is a tremendous asset. We have found that ideas exchanged at user group meetings are often more helpful than vendors' instructions. Also, we can visit other users and learn from their experiences how to make the most of the software.

4. Future Enhancements/Software Features - RJN is an engineering company with a number of different packages using different database systems and/or query languages. The package proposed for Lodi is one combination of their various systems. Hansen is a software company with one basic wastewater package that is upgraded periodically, based upon user requests and other marketing or programming considerations. (Both companies have software for other applications.) It is staff's feeling that the Hansen package will have better product support and enhancements over the long run. This is evident now in the various software features available in the Hansen package such as pop-up windows and graphics.

PURCHASE OF SELF-CONTAINED
BREATHING APPARATUS, FACE
PIECES, AND EQUIPMENT FOR THE
FIRE DEPARTMENT

RES. NO. 89-164

CC-12(d)
CC-47
CC-300

The City Council approved the purchase of MSA Face Pieces, Regulator Conversion Kits, and two Ultra Lite SCBA units.

The Fire Department is presently equipped with Self-Contained Breathing Apparatus (SCBA) manufactured by the MSA company. In the 1989-90 budget the purchase of additional equipment and the necessary items to upgrade current SCBA were approved. The upgrading is required by OSHA regulations and will add to the present safety of our personnel. Since it is against OSHA regulations to mix and match this type of equipment, staff is requesting to

purchase the equipment through the Special T Company of Santa Rosa California. Purchasing Agent, Joel Harris has checked with the MSA company and was told that Special T is their Northern California Distributor.

A break down of the purchase requested is as follows:

| | |
|--|------------------|
| Face pieces with breather tube and neck strap | \$5,800.00 |
| #486182 conversion kits | \$5,650.00 |
| Two Ultra Lite SCBA | \$2,950.00 |
| Two cases for Ultra Lite SCBA | <u>\$ 191.00</u> |
| | \$14,591.00 |

The 1989-90 Budget contains \$14,755.00 for the purchase of this equipment. The funds are budgeted in the Equipment Fund, 12.0-012.01-20; 12.0-012.01-22; and in the General Fund, 10.0-201.01-306.

PURCHASE OF POWER SCOPE

RES. NO. 89-165

CC-12(d)
CC-47

The City Council authorized the purchase of a Power Scope from the sole supplier, BMI (Basic Measuring CC-300 Instruments), Foster City, CA, in the amount of \$17,285.50.

This analysis equipment will be used to detect power line disturbances, analyze such disturbances, detect their cause and help select solutions. In today's world, highly penetrated with microprocessors, our ability to get to the root of a "dirty power" problem is both a service an electric utility is expected to offer and an important aspect in minimizing claims and litigations.

The Electric Utility Department has done extensive research on known available equipment for this type of analysis. Two manufacturers clearly outdistance all others and of these two, one is far superior in equipment capability, speed of response, automatic data retention, interface capability, and ease of use. These features are all required by the Department in order to have equipment that can be left at a customer's premise to monitor and retain all abnormal events and conditions for subsequent analysis.

Funding in the amount of \$17,500 was included in the Electric Utility Department's 1989-90 fiscal year budget.

PURCHASE OF COPY MACHINES
FOR THE FIRE DEPARTMENT AND
THE PARKS AND RECREATION
DEPARTMENT APPROVED

RES. NO. 89-166

CC-12(d)
CC-47
CC-300

The City Council awarded the bid for the purchase of two copy machines, one for the Fire Department and one for the Parks and Recreation Department, to the low bidder, Business Office Systems of Stockton, bidding Minolta EP-4300 machines. The total bid for the two copiers is \$13,423.84.

It was also recommended that the City Council approve the purchase of a large-capacity (2,000-sheet) paper tray option for the Parks and Recreation Department copier at an incremental cost of \$609.50. Total cost of the purchase would then be \$14,033.34.

On October 18, 1989, the City Council approved specifications and authorized advertisement for bids. Bids were opened on November 1.

Bid prices and evaluation results are shown below:

| <u>Bidder</u> | <u>Equipment</u> | <u>Total</u> |
|---------------------------------------|------------------|--------------|
| Business Office Syst. Stockton, CA | Minolta EP-4300 | \$13,423.84 |
| Pitney Bowes Sacramento, CA | P.B. D-230 | \$13,578.60 |
| California Copy Stockton, CA | Ricoh 5520 | \$14,999.00 |
| Lucas Business Syst. | Konica 3290 | \$15,170.30 |

Bid evaluations included comparisons of purchase price as well as estimated five-year supplies and maintenance contract costs. Supplies and maintenance costs were based on estimated annual volumes of 90,000 and 175,000 copies, respectively, for the Fire and Parks Departments.

Most copiers in the specified capability range come equipped with 250-sheet main paper trays. With the estimated monthly volume for the Parks and Recreation Department in the 14,000 to 15,000 copy range, it was recommended that the large capacity tray be added to reduce the number of paper reloads per month from 58 to 8.

A total of \$15,000 (\$7,500 each machine) has been budgeted for this purchase in the 12-Equipment Fund.

Continued November 15, 1989

ACCEPTANCE OF IMPROVEMENTS
UNDER TYPE II SLURRY SEAL,
VARIOUS CITY STREETS,
1989/90 CONTRACT

CC-90

The City Council accepted the improvements for "Type II Slurry Seal, Various City Streets, 1989/90 Contract" and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

The contract was awarded to Graham Contractors, Inc., of San Jose on August 16, 1989, in the amount of \$40,996.61. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was October 27, 1989, and the actual completion date was October 19, 1989. The final contract price is \$39,782.93. The difference between the contract amount and the final contract price is mainly due to 26,970 square feet dropped from the schedule after bids were received.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF LODI
AND THE POLICE OFFICERS'
ASSOCIATION OF LODI

RES. NO. 89-168

CC-34
CC-300

The City Council took the following actions pertaining to the Memorandum of Understanding between the City of Lodi and the Police Officers' Association of Lodi:

1. Received the new Memorandum of Understanding between the City of Lodi and the Police Officers' Association of Lodi;
2. Adopted Resolution No. 89-168, thereby revising the salary schedule for represented police employees and mid-management police personnel; and
3. Appropriated funds for police safety equipment and salary changes.

The City of Lodi and the Police Officers' Association of Lodi have recently agreed to a new Memorandum of Understanding which calls for adjustments to their salary schedule effective the pay period commencing October 2, 1989. This revised schedule is set forth below:

| TITLE | STEP: | MONTHLY SALARY | | | | |
|---------------------------|-------|----------------|-----------|-----------|-----------|-----------|
| | | A | B | C | D | E |
| Police Officer Trainee | | \$2055.33 | \$2158.10 | \$2266.00 | \$2379.30 | \$2498.27 |
| Police Officer Trainee II | | 2055.33 | 2158.10 | 2266.00 | 2379.30 | 2498.27 |
| Police Officer | | 2379.30 | 2498.27 | 2623.18 | 2754.34 | 2892.06 |
| Police Sergeant | | 2814.96 | 2955.71 | 3103.50 | 3258.67 | 3421.60 |
| Police Lieutenant | | 3258.67 | 3421.60 | 3592.68 | 3772.31 | 3960.93 |
| Police Captain | | 3772.31 | 3960.93 | 4158.98 | 4366.92 | 4585.27 |

This increase results in corresponding increases for sworn Police Mid-Management classifications, which are also presented.

Council also appropriated funds for police safety equipment and salary changes from the General Fund Operating Reserve. The amounts to be appropriated are listed by object code below:

| Object Code | Description | Amount |
|-------------|-----------------------|-----------|
| 101 | Salary | \$ 92,870 |
| 101 | Special Allowances | 19,990 |
| 111 | Workers' Compensation | 4,690 |
| 112 | Medical Insurance | [5,745] |
| 113 | Dental Insurance | 4,500 |
| 121 | Pension | 24,815 |
| 123 | Deferred Compensation | 1,875 |
| 306 | Safety Equipment | 20,000 |
| Total | | \$162,905 |

PUBLIC HEARING SET FOR
DECEMBER 6, 1989 REGARDING
APPEAL OF NOTICE OF PUBLIC
NUISANCE, ORDER TO ABATE AND
ORDER TO VACATE RECEIVED FROM
THE OWNER OF THE TRAVELERS
HOTEL, 112 NORTH SCHOOL STREET

CC-24(c)

The City Council set a public hearing for December 6, 1989 regarding the appeal of Notice of Public Hearing, Order to Abate and Order to Vacate received from the owner of the Travelers Hotel, 112 North School Street

On December 2, 1987, an inspection of the premises was conducted by the Community Development Department/Building Division and the Fire Department. As a result of this inspection, a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was issued by the Community Development Department/Building Division on December 16, 1987. On December 31, 1987, a letter was sent to the building owner by the Fire Department listing items that required corrective action.

On April 14, 1988, a second letter was sent by the Fire Department indicating those items that were not corrected, and in addition required that an approved second exit be installed.

On October 6, 1988, Mr. Surenda Patel, the owner of the subject property, contacted the Fire Department and indicated that he would install the fire escape and that plans would be available October 7, 1988.

On April 26, 1989, an inspection was conducted by the Fire Department and a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE was issued.

Telephone conversations and correspondence continued until September 7, 1989, at which time a NOTICE TO VACATE in addition to a NOTICE OF PUBLIC NUISANCE AND ORDER TO ABATE were issued and posted on the premises on September 8, 1989.

On September 12, 1989, a letter was delivered by Mr. Patel requesting that he be granted a period of 90 days to comply due to financial hardship. Consultation with the City Attorney resulted in a decision to consider this request as a form of appeal. This would allow Mr. Patel approximately 90 days and still provide for the continuance of abatement proceedings.

Section 15.28.070 et seq. of the Lodi Municipal Code provides that the City Council shall set a public hearing to consider appeals received in these matters at which time all interested parties may appear and show cause why the

building(s) or structure(s) involved in the proceedings should not be repaired, vacated and repaired or demolished.

ADOPTED URGENCY ORDINANCE
AUTHORIZING THE DELIVERY
OF UNCLAIMED BICYCLES AND
TOYS FOR THE MAYOR'S ANNUAL
HOLIDAY CHILD SHARE PROGRAM

ORDINANCE NO. 1471
(URGENCY ORDINANCE)

CC-6
CC-39
CC-149

The City Council adopted Urgency Ordinance No. 1471 thereby authorizing the delivery of unclaimed bicycles and toys to the Lodi Service Center and Salvation Army Service Extension Committee for the Mayor's Annual Holiday Child Share Program.

Last year, the Lodi Service Center, working in conjunction with the U. S. Marine Corps "Toys For Tots" campaign requested and received all unclaimed bicycles and toys held by the Lodi Police Department, in lieu of selling them at auction. These items were then distributed to underprivileged children.

However, due to lack of staffing, the Marine Corps is not involved this year in that activity. Instead, the Lodi Service Center is working in conjunction with Robert Friedberger of the Lodi Salvation Army Service Extension Committee, to accomplish the same goals. A letter from Margaret Velasquez, of the Lodi Service Center, is shown below. The program will be known as "The Mayor's Annual Holiday Child Share Program".

Dear Mrs. Reimche:

I am writing this letter to request your assistance in obtaining some of the unclaimed bicycles accumulated at the Police Department as we were able to do last year.

These bicycles represent a very substantial gift to the underprivileged youths of our Lodi community.

We would like to request that these bicycles be made available as soon as possible in order that we might refurbish them in time for our Christmas Basket Giveaway.

I further wish to inform you that the marines are no longer going to handle the toys for tots due to lack of staff. However that function will be performed by the Lodi Service Center in cooperation with Robert Friedberger of the Lodi Salvation Army Service Extension Committee.

On behalf of the Lodi Service Center advisory Board, we wish you a heartfelt thanks for any assistance you can provide for the underprivileged children of the community.

If you need more information, please phone 369-7772.

Thank you.

Sincerely yours,

Margaret Velasquez

Welfare and Institutions Code §217 is to be utilized to authorize delivery of the toys and bicycles to these organizations for distribution.

The ordinance authorizing the delivery was made on an urgency basis in order to allow the delivery of the toys in time for Christmas.

COMMENTS BY CITY
COUNCIL MEMBERS

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

REPORT REGARDING
TRANSIT GUIDEWAY
FUNDS
CC-50(b)

Council Member Olson asked the City Manager about her recent report regarding Transit Guideway funds and the arrangements for a meeting on the subject. The City Manager suggested having this as an agenda item at a Council Meeting or the topic of discussion at a Shirtsleeve Session and inviting Doralee Boles from the Council of Governments to discuss the matter. Council Member Olson indicated that it was essential to identify critical rail transit projects and then set priorities.

LICENSING FEES
OF PETS
CC-56
CC-65

Council Member Olson shared with the Council a story of a retired man who found some kittens by his house and complained of the fees involved in taking care of them, particularly the licensing fees.

SCHOOL BOARD'S
SUGGESTION TO MOVE
THE DISTRICT OFFICE
OUT OF THE DOWNTOWN AREA

CC-7(e)

Mayor Pro Tempore Hinchman informed the Council of his disapproval of the School Board wanting to move the District Office building out of the downtown area and

suggested meeting with the Downtown Business Association to help encourage the Board to move the District Office to Needham School.

INVITATION TO ATTEND
THE CITY OF STOCKTON
COUNCIL MEETING

Mayor Snider invited both the public and the City Council to join him at the upcoming Stockton City Council meeting regarding expansion beyond Eight Mile Road.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

There was no one wishing to speak under the "Comments by the public on non-agenda items" segment of the agenda:

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 Snider called for the Public Hearing to consider Resolution of Necessity to acquire certain real property by Eminent Domain (5200 East Sargent Road - Industrial Substation Site)

CLOSED SESSION -
5200 EAST SARGENT ROAD

CC-200(c)
CC-200(d)

Prior to the Public Hearing on the acquisition of certain real property by Eminent Domain (5200 East Sargent Road - Industrial Substation Site), the City Council met in "Closed Session" regarding the matter and the possible litigation involving it. The City Council reconvened at approximately 8:30 p.m.

RESOLUTION OF NECESSITY
TO ACQUIRE CERTAIN REAL
PROPERTY BY EMINENT DOMAIN
(5200 EAST SARGENT ROAD -
INDUSTRIAL SUBSTATION SITE)

RES. NO. 89-169

CC-27(f)
CC-300

The matter was introduced by staff who presented diagrams of the subject area. Council was reminded that the City is presently proceeding with plans for the construction of an electric utilities industrial substation this location. The site is presently owned by the heirs of the Diekman family. Total size of the parcel is approximately 15 acres. Under present plans, construction was to be in January 1990, and be completed in June 1990, in time to deal with summertime peak demand periods.

Environmental documents have been finalized and the City has been negotiating with the owners for more than one

year. The owners have never expressed opposition to the City's plans, and, in fact, had indicated a willingness to sign a Right of Entry form allowing the City to commence construction before the final sales price was determined.

However, it now appears that a voluntary sale may not be possible between the City and the owners. Our initial belief that the owners would give voluntary consent for possession by the City while negotiations on price continued, was erroneous, and the owners via their attorney have declined to give such consent. The asking price in the most recent proposal is nearly double the figure in the City's original appraisal, and the owners have placed other conditions on the sale.

The only apparent alternative left to the City if construction is to be accomplished anywhere near the timetable established, is to commence condemnation and seek an order of immediate possession from the Court. Because there is an occupied residence on the site, a minimum of 90 days would be required to obtain possession if the owners do not voluntarily have the premises vacated prior to that time.

An initial decision to be made by the Council is the size of the parcel which may be condemned. The City originally considered acquisition of the entire 15 acre Diekman parcel in order to accommodate the substation and accessory uses. At the request of the owners, and in the spirit of cooperation, the City was willing to modify its plans and split the parcel at the site of the proposed extension of Thurman Road. That would have created an 8.1 acre parcel north of the Thurman Road extension for the substation site, and would have left the owners with a 7 acre parcel adjacent to Thurman Road on the south side.

If it becomes necessary to acquire the site by eminent domain, the Council may wish to again consider the entire 15 acre parcel, since the Electric Utility has indicated it has use for the entire piece, for the substation and accessory uses. The Notice provided to the owners describing the condemnation proposed, included the entire 15 acre parcel. Of course, the Council has discretion to scale that back and acquire only the smaller 8.1 acre parcel north of the Thurman Road extension, if it wishes to accommodate the owners.

Under applicable law, Resolutions of Necessity must be adopted by 2/3 vote of the Council, or in our situation, by the affirmative vote of 4 Council members.

In the meantime, negotiations are continuing with the owners to see if a mutually-agreeable solution can be reached.

Requests to address the Council at the hearing on the issue of necessity have been received both from the owners and the tenant. Under State law, the issue of valuation should not be discussed at this hearing.

City Council discussion followed with questions being directed to staff.

Mr. Michael Normoyl, lawyer to the Diekmans, 3340 Tully Road, Suite A, Modesto, 95350, inquired whether or not the City has decided to purchase the the entire 15+ acres or the 8.1 acres and indicated that his clients are willing to go with the 8.1 acre take.

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

After a brief discussion, on motion of Council Member Reid, Hinchman second, the City Council voted to adopt Resolution of Necessity No. 89-169 as set forth below and directed the City Attorney to continue negotiations on the per acre price. The motion carried by unanimous vote of the City Council.

RESOLUTION NO. 89-169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI

RESOLUTION OF NECESSITY TO ACQUIRE CERTAIN REAL PROPERTY BY EMINENT DOMAIN FOR MUNICIPAL PURPOSES, PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 1245.220 ET SEQ. (5200 EAST SARGENT ROAD: DIEKMAN PROPERTY)

WHEREAS, on October 18, 1989, the Council of the City of Lodi set a hearing to consider a Resolution of Necessity to Acquire Certain Real Property described below; and

WHEREAS, on November 15, 1989, the Lodi City Council held a hearing in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, in order to determine the necessity for acquisition of said real property by eminent domain proceedings for the purposes of a municipal industrial electrical substation;

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

The Lodi City Council finds, determines, and hereby declares:

1. That the public interest, necessity, and convenience require the acquisition, construction, and completion of a public improvement, to wit: the acquisition of a site for an industrial electric substation, on and across certain real property located at 5200 East Sargent Road, within San Joaquin County, described as follows:

- a. Acquisition in fee.

Commencing at the northwest corner of the Northeast Quarter of Section 7, T3N, R7E, MDB&M, thence S 0-32'00" E, 100.15 feet, along the west line of said Quarter Section to the True Point of Beginning, thence S 87-20'49" E, 533.68 feet, along the southerly line of the Central California Traction Company, thence S 0-47'19" E, 658.99 feet, along a line parallel with the east line of said Section 7, thence N 87-24'33" W, 536.59 feet, thence N 00-32'00" W, 659.40 feet along said west line to the True Point of Beginning, containing 8.1 acres, more or less.

b. Parcels 2 and 3 (easement only).

Easement 1

Commencing at the northwest corner of the Northeast Quarter of Section 7, T3N, R7E, MDB&M, thence S 0-32'00" E, 759.55 feet along the west line of said Quarter Section to the True Point of Beginning, thence S 87-24'33" E, 40.0 feet, thence S 2-35'27" W, 32.0 feet, thence N 87-24'33" W, 38.25 feet, to said west line, thence N 0-32'00" W, 32.05 feet along said west line to the True Point of Beginning.

Easement 2

A 60 kv Public Utility Easement being more particularly described as follows:

Commencing at the northwest corner of the Northeast Quarter of Section 7, T3N, R7E, MDB&M, thence S 0-32'00" E, 791.60 feet along the west line of said Quarter Section to the True Point of Beginning, thence S 87-24'33" E, 16.52 feet, thence S 00-32'00" E, 542.75 feet along a line parallel with said west line to the south line of the north one-half of said Northeast Quarter, thence N 87-33'30" W, 16.53 feet along said south line, thence N 0-32'00" W, 542.80 feet along said west line to the True Point of Beginning, totalling .24 acres, more or less, (both easements combined).

AND

2. That the real property hereinafter described is suitable, adaptable, necessary, and required for the public use of said City of Lodi, as hereinabove set forth.
3. The proposed project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

4. That the City of Lodi acquire the hereinafter described real property for an industrial electric substation by donation, purchase, or by condemnation in accordance with the provisions of the Code of Civil Procedure of the State of California relating to eminent domain. That the City Attorney is hereby authorized to prosecute in the name of the City of Lodi, any and all actions or proceedings required to acquire the necessary property and/or to fix the compensation to be paid for property damage resulting from the construction and maintenance of said improvements; and in the absence of a satisfactory price agreement with the owner of the land, the City Attorney is hereby directed to immediately commence proceedings under Title Seven, Chapter Three of the Code of Civil Procedure of the State of California, to condemn the property hereinafter described for the purpose of taking said land for the public use of said City as hereinabove set forth.
5. To make application to a Court of competent jurisdiction for an order fixing the amount of such security in the way of money deposits as said Court may direct, and for an order permitting said City of Lodi to take immediate possession and use of said property, or interest in real property, or existing improvements for the public use as hereinabove set forth; to make deposit of such security or monies in such amount so fixed and determined and in such manner as said Court in which said condemnation proceedings are pending may direct.
6. The real property or interest in real property which the City of Lodi is by this Resolution authorized to acquire for said public improvements is situated in the County of San Joaquin, State of California, as described above.
7. Pursuant to Government Code Section 7267.2, a written offer was made to the owners of record in the amount of \$269,100.
8. BE IT FURTHER RESOLVED, that the City Attorney be and hereby is authorized and directed to commence and maintain in the name of the City of Lodi, such actions and proceedings of eminent domain in the Superior Court of California, County of San Joaquin, as are necessary to acquire, for the purposes and uses aforesaid, that certain real property which is situated in the County of San Joaquin, as described above.

DATED: November 15, 1989

I hereby certify that Resolution No. 89-169 was passed and adopted by the City Council of the City of Lodi in a regular meeting held by the following vote:

Continued November 15, 1989

Ayes: Council Members - Hinchman, Olson, Pinkerton,
Reid and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Alice M. Reimche
City Clerk

RECESS

The Mayor declared a five-minute recess and the Council reconvened at approximately 9:05 p.m.

SETTING AND ESTABLISHING INCREASED RATES FOR SEWER SERVICE AND CONNECTION FEES

ORDINANCE NO. 1463

CC-51(a) Notice thereof having been published according to law,
CC-56 affidavit of which is on file in the office of the City
CC-149 Clerk, Mayor Snider called for the public hearing to
receive public input regarding consideration of the
introduction of an ordinance setting and establishing
increased rates for sewer service and connection fees.

The City Council was reminded that it had adopted Resolution 86-152 at its regular meeting of October 1, 1986 setting in place a schedule of annual sewer service charges and connection fees adjustments until such time as the White Slough Water Pollution Control Facility expansion project is completed or until that resolution is superseded. The adjustments are 15% effective each year on or as close to October 1 as feasible.

The proposed fee and related ordinance changes are outlined below:

At the October 4, 1989 Council meeting, under the discussion of increasing sewer fees, two questions were raised that continued the action on the proposed fee increase. These questions were:

1. Should we have a flat connection fee for all sizes of residential units rather than the present variable connection fee which is tied to the number of bedrooms?

2. How is the connection fee and sewage service charge determined for commercial and industrial uses?

Residential Connection Fee

Section 1 of the proposed Ordinance shows the residential connection fee as \$1,825.00 per Sewage Service Unit. Section 13.12.180 of the overall sewer ordinance shows the following relationship between the number of bedrooms and sewage service units:

| Number of Bedrooms | Sewage Service Units |
|-----------------------|-------------------------|
| 1 | 0.75 |
| 2 | 1.00 |
| 3 | 1.25 |

| Number of Bedrooms | Sewage Service Units |
|-----------------------|-------------------------|
| 4 | 1.50 |
| 5 | 1.75 |
| 6 | 2.00 |
| 7 | 2.25 |

Therefore, the connection fees for residential would be as follows:

| Number of Bedrooms | Connection Fee |
|-----------------------|----------------|
| 1 | \$1,368.75 |
| 2 | \$1,825.00 |
| 3 | \$2,281.25 |
| 4 | \$2,737.50 |
| 5 | \$3,193.75 |
| 6 | \$3,650.00 |
| 7 | \$4,106.25 |

The Council requested that staff calculate a flat rate connection fee for all sizes of residential units that would provide the same revenue as the proposed connection fee tied to bedrooms. In order to make this calculation, an assumption has to be made on what ratio of bedrooms per residential unit will be constructed in the future. Listed below are the alternates and what the flat rate connection fee would be for each.

| Alternate | Description | Flat Rate Connection Fee |
|-----------|---|--------------------------|
| 1 | The future ratio will equal the ratio of existing units presently constructed | \$1,860 |
| 2 | The future ratio will equal that ratio based on 1988 building permits | \$2,245 |
| 3 | The future ratio will equal that ratio based on 1989 building permits | \$1,990 |
| 4 | The future ratio will equal the average of the 1988/89 building permits | \$2,160 |

Under these four alternatives, the flat rate connection fee varies from \$1,860 to \$2,245 per residential unit. If the Council desires a flat rate residential connection fee, staff would recommend using Alternate 4 which is based on the average of the 1988/89 building permits and provides a flat rate fee of \$2,160 per residential unit.

Commercial and Industrial Fees

In Section 1 of the proposed Ordinance, the cost per sewage service unit for moderate strength commercial and industrial users on the domestic system is as follows:

| | |
|-----------------------|---|
| Annual Sewage Service | \$74.28 per sewage service unit (\$6.19 monthly) |
| Connection Fee | \$1,825.00 per sewage service unit |

High strength user fees are calculated individually using flow, BOD, and SS.

Example

A Church (Meeting Place, Religious) with 300 seats would be charged for 1.5 Sewage Service Units ($300 \div 200 = 1.5$)

Connection Fee

$$1.5 \times \$1,825 = \$2,737.50$$

Sewage Service Charge

$$1.5 \times \$74.28 \div 12 \text{ months} = \$9.28/\text{month}$$

The proposed Ordinance recommends a change in the allocation of sewage service units to some commercial and industrial uses. The recommended changes are based on

calculated sewer flows determined from actual water metered usage.

Under Section 1, the unit charges for flow, BOD, and SS for a high strength industrial user on the domestic system were increased more than the standard 15%. Three years ago, when the connection fees were increased from \$290 to \$1,200, these unit charges for connection fees were not proportionately increased. This oversight was not caught until now. If this had not been caught, a two-bedroom residence using these unit charges would be charged a connection fee of only \$110 versus the \$1,825 that should be charged. Fortunately, no high strength industrial users have connected in the last three years, so the City has not lost any revenue.

Section 4 of the proposed Ordinance revises the appeal section of the overall sewer ordinance. The revision will allow the Public Works Director to make adjustments in the monthly sewage service charge. The existing ordinance only allows an adjustment in the connection fee.

Section 4 also provides for determining and adjusting connection fees and sewage service charges based on calculated sewer flows where water meters are installed.

This data was reviewed with the City Council at its "Shirtsleeve" session of November 7, 1989. The proposed adjustments will increase the monthly sewer service charge for a two-bedroom house from \$5.38 to \$6.19, and the connection fee from \$1587 to \$1825.

Staff still feels that the fairest way to apply connection fees to residential units is by number of bedrooms. If the Council wishes to change the concept to a flat rate connection charge, this approach can be incorporated at the time the ordinance is introduced.

Since these increases will help to fund the proposed expansion of the White Slough Treatment Plant it is critical that Ordinance No. 1463 be introduced at this meeting. The introduction of this ordinance requires a 4/5 vote of the Council.

At the last "Shirtsleeve" session, Councilmember Pinkerton requested to be informed of the City fees for a standard single-family home. For an average 1800/s.f. three-bedroom home the City fees collected are as follows:

| | |
|---|-----------|
| Building Permit Charge | \$1300.00 |
| (includes building permit, plan check, Strong Motion Instrumentation Program (seismic safety), plumbing, | |

electrical and mechanical/air
conditioning)

| | |
|---------------------------|------------------|
| Sewer Connection | \$2281.25 |
| (using proposed increase) | |
| Total | <u>\$3581.25</u> |

The school impact fee (\$1.56/s.f.) is collected by Lodi Unified School District.

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

Council Member Pinkerton let it be known to the Council that he believed it was unfair to charge the connection fees per bedroom and therefore abstained from voting on the matter. Following more discussion, on motion of Mayor Pro Tempore Hinchman, Reid second, Council introduced Ordinance No. 1463 setting and establishing increased rates for sewer service and connection fees with a sliding scale for residential connection fees by the following vote. The Ordinance also modified other wording the Code.

Ayes: Council Members - Hinchman, Olson, Reid
and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - Pinkerton

PLANNING COMMISSION There was no meeting since the last report
REPORT

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4(c)

Following recommendation of the City Attorney and the City's Contract Administrator, ADJUSTCO, the City Council on motion of Mayor Pro Tempore Hinchman, Olson second, denied the following claim:

a) Andrew S. MacKay, Date of loss 8/19/89

POSTING FOR TERMS
EXPIRING ON VARIOUS
CITY OF LODI BOARDS
AND COMMISSIONS

CC-2(a) On motion of Council Member Olson, Reid second, the City
CC-2(e) Clerk was directed to post for the terms expiring on the
CC-2(1) following City Boards and Commissions:

- a. Lodi Senior Citizens Commission, term of Dorance Ochs, expiring 12/31/89
- b. Mosquito Abatement District, term of Robert S. Fuller, expiring 12/31/89
- c. Site Plan and Architectural Review Committee, term of Leonard Bull, expiring January 1, 1990

REGULAR CALENDAR

GATE FEE INCREASE -
HARNEY LANE LANDFILL

CC-7(b) The City has been advised by the County of San Joaquin of a
CC-22(b) recommended increase in the dump fee at the Harney Lane
CC-56 Sanitary Landfill, effective January 1, 1990. In addition,
the County is required by Assembly Bill 939, "The California Integrated Waste Management Act of 1989," to levy an additional tipping fee of 50 cents per ton to be deposited in the State's new Integrated Waste Management Account. These monies will be used to fund the State's various monitoring and testing programs to ensure compliance by local agencies. These matters will come before the Board of Supervisors at its regular meeting of Tuesday, November 28, 1989 at 10:00 a.m. The City of Lodi will be represented at this public hearing.

As proposed, the combination of the recommended increase in the gate fee for maintenance and operations of 88 cents per ton and the required AB 939 fee (probably 50 cents per ton) translate to an approximate 2% increase in the City's refuse rate schedule, or about 15 cents per can for residential customers.

For the City Council's information the per ton gate fees at the Harney Lane site have been adjusted as follows:

| | | |
|-------------------|---|---------|
| May 15, 1978 | - | \$10.00 |
| September 1, 1987 | - | 12.95 |
| January 1, 1988 | - | 13.60 |
| January 1, 1989 | - | 14.60 |

No action was taken on this item; however, it was decided by motion of Council Member Reid, Snider second, that this matter should be placed on the December 6, 1989 City Council meeting for continued discussion.

PURCHASE OF DIAL-A-RIDE
VEHICLES

RES. NO. 89-167

CC-12(d) The City Council on motion of Mayor Pro Tempore Hinchman,
CC-47 Olson second, adopted Resolution 89-170 awarding the bid
CC-50(b) for the purchase of two 1989 Chevrolet station wagons to
 the low bidder, Sanborn Chevrolet, Inc., in the amount of
 \$31,337.80

On November 14, 1989 bids were received as follows:

Sanborn Chevrolet, Inc. \$31,337.80

Chase Chevrolet Co., Inc. \$34,543.66

These vehicles will be used to replace two Dial-A-Ride vehicles which have over 90,000 miles of service. The funds for this purchase was included in our 1989-90 TDA claim.

VOTING DELEGATE AND
VOTING ALTERNATE DESIGNATED FOR
ANNUAL LEAGUE OF CALIFORNIA
CITIES CONFERENCE,
SAN FRANCISCO, DECEMBER
17 - 19, 1989

CC-7(i) The City Council was reminded that the Annual League of
 California Cities Conference originally scheduled for
 October 22 - 25, 1989 in San Francisco was postponed
 because of the October 17 earthquake that hit the Bay
 area. The Annual Conference has been rescheduled for
 December 17 - 19, 1989 in San Francisco.

The Annual Conference resolutions guide cities and the League in its efforts to improve the quality, responsiveness and vitality of local government. The League Constitution provides that each city is entitled to one vote in matters affecting municipal or League Policy. All cities have the opportunity to exercise their vote on resolutions at the Business Session scheduled for Tuesday, December 19, 1989 at 1:30 p.m. at the Hilton Hotel in San Francisco.

At the September 6, 1989 City Council meeting, the City Council determined that Mayor Snider would serve as the

City's Voting Delegate and Mayor Pro Tempore Hinchman as the Voting Alternate. The League of California Cities is now asking all cities to verify their voting delegate and alternate.

On motion of Mayor Pro Tempore Hinchman, Olson second, the Council voted to delegate City Manager, Tom Peterson, as Voting Delegate and Assistant City Manager, Jerry Glenn, as the Alternate Voting Delegate.

URGENCY ITEM ADDED
TO THE AGENDA PURSUANT
TO STATE LAW

City Manager Peterson advised the City Council that there was an emergency situation that had developed and the need to take action on the matter arose after the preparation and posting of the agenda.

On motion of Council Member Reid, Olson second, the City Council determined that pursuant to Government Code Section 54954.2 that an emergency situation has developed and the need to take action arose after the preparation and posting of the agenda.

On motion of Mayor Pro Tempore Hinchman, Olson second, "Amendment to Resolution No. 89-53 Regarding the Office of Criminal Justice Planning (OCJP) Grant for Drug Suppression Program in Schools" was added to the agenda.

AMENDING RESOLUTION NO. 89-53
REGARDING THE OFFICE OF CRIMINAL
JUSTICE PLANNING (OCJP) GRANT FOR DRUG
SUPPRESSION PROGRAM IN SCHOOLS

RES. NO. 89-170

CC-7(f)
CC-175
CC-152
CC-300

The City Council was advised that on May 3, 1989, the Lodi City Council adopted Resolution No. 89-53 which authorized the application to the OCJP for grant funds for the third year of the Drug Suppression Program. The grant was submitted to OCJP and was to begin October 1, 1989. On November 9, 1989, the Lodi Police Department was notified by telephone that a Statement of Liability was not included in the Council Resolution and that it was required before funding could begin. On November 13, 1989, OCJP notified the Lodi Police Department of the contents of the Statement of Liability, and that it was needed by November 17, 1989 to complete the grant application.

The Statement of Liability must be added to the resolution to complete the grant application.

On motion of Council Member Reid, Olson second, the City Council adopted Resolution No. 89-170 Amending Resolution No. 89-53 Regarding the Office of Criminal Justice Planning (OCJP) Grant for Drug Suppression Program in School.

ORDINANCES

AMENDING THE LAND USE ELEMENT OF THE LODI GENERAL PLAN BY REDESIGNATING A 51-ACRE PARCEL AT THE NORTHEAST CORNER OF KETTLEMAN LANE AND BECKMAN ROAD FROM UNCLASSIFIED INDUSTRIAL TO LIGHT INDUSTRIAL; AND PREZONING SAID PROPERTY C-M, COMMERCIAL-LIGHT INDUSTRIAL; AND PREZONING SAID PROPERTY C-M, COMMERCIAL-LIGHT INDUSTRIAL AND M-1 LIGHT INDUSTRIAL

ORDINANCE NO. 1467

CC-53(a)
CC-149

Ordinance No. 1467 entitled, "An Ordinance of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by Redesignating a 51-Acre Parcel at the Northeast Corner of Kettleman Lane and Beckman Road from Unclassified Industrial to Light Industrial; and Prezoning Said Proprety C-M, Commerical-Light Industrial and M-1 Light Industrial" having been introduced at a regular meeting of the Lodi City Council held November 1, 1989 was brought up for passage on motion of Council Member Pinkerton, Olson 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, Pinkerton, Reid and Snider (Mayor)
- Noes: Council Members - None
- Absent: Council Members - None
- Abstain: Council Members - None

ORDINANCE AMENDING THE LAND USE ELEMENT OF THE GENERAL PLAN BY RECLASSIFYING A 3.7+/- ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF LOWER

SACRAMENTO ROAD AND WEST VINE STREET AND REZONING THE SUBJECT PARCEL FROM R-C-P, RESIDENTIAL-COMMERCIAL-PROFESSIONAL TO R-1, RESIDENTIAL-SINGLE FAMILY

ORDINANCE NO. 1468

CC-53(a)
CC-149

Ordinance No. 1468 entitled "An Ordinance of the Lodi City Council Amending the Land Use Element of the Lodi General Plan by Reclassifying the 3.7+/- Acre Parcel Located at the Southeast Corner of Lower Sacramento Road and West Vine Street form Office-Institutional to Residential-Low Density", having been introduced at a regular meeting of the Lodi City Council held November 1, 1989 was brought up for passage on motion of Council Member Reid, Olson 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, Pinkerton, Reid and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

ORDINANCE AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING THE 3.7+/- ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF LOWER SACRAMENTO ROAD AND WEST VINE STREET FROM R-C-P, RESIDENTIAL-COMMERCIAL-PROFESSIONAL, TO R-1, RESIDENTIAL-SINGLE FAMILY

ORDINANCE NO. 1469

CC-53(a)
CC-149

Ordinance No. 1469 entitled "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning the 3.7+/- Acre Parcel Located at the Southeast Corner of Lower Sacramento Road and West Vine Street from R-C-P, Residential-Commercial-Professional, to R-1, Residential-Single Family" having been introduced at a regular meeting of the Lodi City Council held November 1, 1989, was brought up for passage on motion of Mayor Pro Tempore Hinchman, Olson second. Second reading of the ordinance omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton, Reid and Snider (Mayor)

Noes: Council Members - None
 Absent: Council Members - None
 Abstain: Council Members - None

ORDINANCE ADOPTING A CAPITAL
 IMPROVEMENT PROGRAM BUDGET FOR
 STREETS IN THE CITY OF LODI FOR
 FISCAL YEAR 1989/90

ORDINANCE NO. 1470

CC-15
 CC-149

Ordinance No. 1470 entitled "An Ordinance of the Lodi City Council Adopting a Capital Improvement Program Budget for Streets for the City of Lodi for Fiscal Year 1989/90" having been introduced at a regular meeting of the Lodi City Council held November 1, 1989, was brought up for passage on motion of Mayor Pro Tempore Hinchman, Olson second. Second reading of the ordinance omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton,
 Reid and Snider (Mayor)
 Noes: Council Members - None
 Absent: Council Members - None
 Abstain: Council Members - None

ADJOURNMENT

There being no further business to come before the City Council, Mayor Snider adjourned the meeting at approximately 10:05 p.m.

ATTEST:

Alice M. Reimche
 Alice M. Reimche
 City Clerk