

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 28, 1988
ADJOURNED REGULAR MEETING
7:30 P.M.

ROLL CALL Present: Council Members - Hinchman, Reid,
Snider and Pinkerton (Mayor)
Absent: Council Members - Olson
Also Present: City Manager Peterson, Assistant City
Manager Glenn, Community Development
Director Schroeder, Chief Civil Engineer
Prima, City Attorney McNatt, Finance
Director Holm and City Clerk Reimche

INVOCATION The invocation was given by Dr. Wayne Kildall.

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

PRESENTATIONS

PEDESTRIAN SAFETY CITATION PRESENTED A Pedestrian Safety Citation was presented to the Chief of
Police Floyd Williams by a representative of the California
State Automobile Association.
CC-24(b)

CITY MANAGER RECEIVES PRESENTATION IN APPRECIATION FOR SERVING AS SECRETARY/TREASURER OF THE CENTRAL VALLEY DIVISION OF THE LEAGUE OF CALIFORNIA
Mayor Pro Tempore Snider presented a gift to City Manager Tom Peterson who had served as Secretary/Treasurer of the Central Valley Division of the League of California Cities the past two years. Mayor Pro Tempore Snider extended his sincere appreciation to the City Manager for all his efforts.
CC-7(i)
CC-9

PROCLAMATIONS Mayor Pinkerton presented the following proclamations:

- a) "German-American Day"
- b) "Red Ribbon Week"
- c) "Fire Prevention Week"
- d) "National Energy Awareness Month"

CONSENT CALENDAR In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Snider, Hinchman second, approved the following items hereinafter set forth. Agenda item E-10 entitled, "Approve contract with Resource Management International, Inc. (RMI) for Lodi's pro-rata share of technical representation services of a consultant required in aid of a multi-city effort to protect and enhance federal power allocation and authorize the City Manager and City Clerk to execute the contract" 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 \$979,571.13.

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be 395 feet deep and will be grouted to 185 feet to block dibromochloropropane (DBCP) contaminated water near the surface.

Plans and specifications for this project were approved on August 17, 1988.

The City received the following five bids for this project:

<u>Bidder</u>	<u>Bid</u>
Engineer's Estimate	\$63,500.00
Myers Bros. Well Drilling, Inc.	63,778.00
Arthur & Orum Well Drilling, Inc.	64,990.87
Clark Well & Equipment Co., Inc.	67,126.00
Layne-Western Co. Inc.	68,484.00
Maggiore Bros. Drilling, Inc.	72,197.00

Also presented for City Council approval was the negative declaration prepared by the Community Development Department. A copy of the plan submitted to the Site Plan and Architectural Review Committee showing the well site development was also presented for the City Council's review.

AWARD BID FOR THE PURCHASE OF CLASS 3 WOOD UTILITY POLES

RES. NO. 88-130

CC-12(d)
CC-47

The City Council adopted Resolution No. 88-130 awarding the bid for 46 Class 3 Wood Utility Poles to the low bidder, Selma Treating company of Selma, California, in the amount of \$13,810.74.

The City Council was advised that on September 7, 1988, it had approved specifications and authorized the advertisement for bids for 46 Wood Utility Poles, ranging from 35 feet to 70 feet in length.

On September 20, 1988 the City received the following bids:

<u>BIDDER</u>	<u>AMOUNT</u>
Selma Treating Company	\$13,810.74
J. H. Baxter Company	\$13,836.18
McCormick and Baxter Company	\$13,962.96

Poles in the 35 to 55-foot range will be used to replace deteriorated or damaged poles as part of the Electric Utility Department's ongoing line maintenance program. The larger poles will be used on the Lockeford Street/Dart Loop and the 12 KV line extension on Kettleman Lane between Stockton Street and Central Avenue.

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

FINAL MAP FOR WEAVER PARK, 903-909 BLACK DIAMOND WAY APPROVED

CC-46

The City Council approved the final map for Weaver Park, Tract No. 2215, and authorized the City Clerk to execute the subdivision map on behalf of the City.

The City Council was advised that Neal Weaver, the developer of this subdivision, has furnished the City with

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the fees for the proposed subdivision. The subdivision is zoned M-2 and is located on Black Diamond Way. This map combines two developed lots into a one-lot condominium subdivision. Since these are developed lots, no agreement or improvement plans were required.

RENEWAL OF WORKERS'
COMPENSATION
ADMINISTRATION
CONTRACT WITH
ADJUSTCO APPROVED

CC-6
CC-21.1(b)
CC-90

The City Council approved the renewal of the Workers Compensation Administration contract with ADJUSTCO (formerly Leonard J. Russo Insurance Services, Inc.) covering the period of July 1, 1988 through June 30, 1989 and authorized the City Manager and City Clerk to execute the letter agreement on behalf of the City.

AGREEMENT WITH LODI
UNIFIED SCHOOL
DISTRICT FOR USE OF
LODI GRAPE BOWL
STADIUM APPROVED

CC-7(e)
CC-90

The City Council approved the agreement with the Lodi Unified School District for the use of the Lodi Grape Bowl Stadium and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.

This contract covers the period from September 1, 1988 to September 1, 1990 and reflects a number of changes from the previous agreement.

RIGHT-OF-WAY
AGREEMENT FOR 109
NORTH MILLS AVENUE
APPROVED

CC-27(a)

The City Council approved the Right-of-Way Agreement for 109 North Mills Avenue and authorized the City Manager and City Clerk to execute it on behalf of the City.

The City Council was advised that in 1979, when the City improved Mills Avenue adjacent to the Lodi Unified School District property at 301 North Mills Avenue, a right-of-entry was obtained for the construction across a narrow strip of land owned by Maurice O. Ray, Jr. Over the years, Mr. Ray and the Public Works Department have discussed the ultimate price for the land. Recently, Mr. Ray offered the property to the City for approximately \$1.00 per square foot, the same price paid for the adjacent land by the Lodi Unified School District in 1979. The parcel is 510 square feet and the \$500 price is fair. Therefore, it was recommended that the offer be accepted.

Funds to acquire this parcel will come from Account #33-500.01, Miscellaneous Widening.

ADDENDUM TO CONTRACT
WITH KOREAN PROFESSIONAL
BUILDING MAINTENANCE
FOR JANITORIAL
SERVICES APPROVED

CC-6
CC-90

The City Council approved an addendum to the contract with Korean Professional Building Maintenance for janitorial services and authorized the City Manager and City Clerk to execute the agreement on behalf of the City.

The addendum will provide for the maintenance of the floors and windows in the office areas of Fire Station #1. This service was budgeted for in the 1988-89 budget. This work is presently performed by Fire Personnel and the time currently spent on such work will be spent on training, fire prevention, fire education and other related tasks/services.

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Funds are budgeted in the 10.0-201.01-3 account for the work covered under this addendum.

COOPERATIVE AGREEMENT
AND RELATED DOCUMENTS
WITH STATE DEPARTMENT
OF TRANSPORTATION
(CAL TRANS) APPROVED
FOR PROPOSED
MODIFICATION OF TRAFFIC
SIGNAL AT STOCKTON
STREET AND KETTLEMAN
LANE

RES. NO. 88-131 The City Council adopted Resolution No. 88-131 authorizing the Mayor and City Clerk to sign the Cooperative Agreement No. 10-813 and related documents for the proposed modification of the traffic signal at Stockton Street and Kettleman Lane.

CC-6
CC-7(f)
CC-90

The City Council was advised that in February 1988, the Public Works Director received a request to improve the alignment of Stockton Street at Kettleman Lane.

The traffic signal is maintained by CalTrans and any improvements would be shared equally between CalTrans and the City of Lodi. CalTrans investigated the intersection and determined the offset of Stockton Street does create driver confusion. They determined realigning Stockton Street so the left turn lanes would be opposite each other is not possible without major reconstruction and expense. A less expensive solution would be to install separate left turn signal phases for Stockton Street.

CalTrans determined there has not been an accident problem at this intersection; however, as traffic volumes increase, the confusion can easily translate into accidents.

The total cost of modifying the traffic signal is \$12,310 and includes engineering and updating the pedestrian signals to the international symbol type. The City's total obligation for the proposed signal modification shall not exceed the amount of \$7,078, which allows a construction cost overrun of up to 15%.

"NO PARKING" ZONE ON
MILLS AVENUE AT THE
GENERAL MILLS ENTRANCE
ESTABLISHED

RES. NO. 88-132 The City Council adopted Resolution No. 88-132 establishing a 175-foot "No Parking" zone on Mills Avenue from the existing "No Parking" zone located 105 feet north of the new entrance to 70 feet south of the new entrance.

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

The City Council was apprised that General Mills has requested a "No Parking" zone be installed at the above location to alleviate sight problems. General Mills employees have complained that it is difficult to see southbound vehicles when vehicles are parked north of the driveway.

This driveway was recently constructed in winter 1987/88. This is the main access for employees. The old access north of this driveway is now used for construction workers and will be closed when the construction is complete. The "No Parking" zone which was established at the old access to improve the sight problems will be removed once the driveway is closed.

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Staff has field-checked this area numerous times and has observed parked vehicles and trucks only on a few occasions. A parked vehicle does create a sight problem for motorists exiting General Mills. There have been no reported accidents at this driveway entrance. Staff determined a 175-foot "No Parking" zone is needed to alleviate sight problems.

Since this is a high volume driveway and the on-street parking is not needed, it was recommended the "No Parking" zone be approved.

ORDINANCE INTRODUCED
ACCEPTING THE PENAL
CODE REQUIREMENTS
RELATING TO THE
SELECTION AND
TRAINING STANDARD
OF PUBLIC SAFETY
DISPATCHERS

ORDINANCE NO. 1435
INTRODUCED

The City Council introduced Ordinance No. 1435, "An Ordinance of the Lodi City Council Accepting the Penal Code Requirements Relating to the Selection and Training Standards of Public Safety Dispatchers."

CC-149
CC-152

Presented for the City Council's review was a copy of a letter from the Office of the Commission on Peace Officer Standards and Training regarding the implementation of a Public Safety Dispatcher Program. The City's participation in this program will enable the City to be reimbursed for certain dispatcher training costs. The City is receiving no such reimbursement at this time for dispatcher training. For the past several years the Police Department has conducted the training of dispatchers in accordance with the recently adopted POST standards. Thus participation in this program will require no change in the Police Department's training program in this area.

PROCEEDS RECEIVED
FROM SALE OF
UNCLAIMED WEAPONS
AND WEAPONS TAKEN
AS EVIDENCE,
AUTHORIZED TO BE
RETURNED TO THE
LODI POLICE
DEPARTMENT FOR
THE PURCHASE OF
WEAPONS AND
EQUIPMENT

CC-6
CC-20
CC-47
CC-152

The City Council authorized proceeds, received from sale of unclaimed weapons and weapons taken as evidence, to be returned to the Lodi Police Department for the purchase of weapons and equipment.

CONTRACT WITH RESOURCE
MANAGEMENT INTERNATIONAL,
INC. (RMI) FOR LODI'S
PRO-RATA SHARE OF
TECHNICAL REPRESENTATION
SERVICES OF A CONSULTANT
REQUIRED IN AID OF A MULTI-
CITY EFFORT TO PROTECT AND

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ENHANCE FEDERAL POWER

ALLOCATION APPROVED The City Council was advised that, beginning January 1989, Western Area Power Administration (WAPA) will initiate formal development and public hearings regarding power allocations and renewal of existing contract levels of power marketed by WAPA to agencies and cities, including the City of Lodi. The contract under which Lodi receives approximately 13.2 MW of WAPA allocated power expires in 1994 and is subject to at least three changes: (1) Renewal in total, (2) Renewal of only a portion of our present allocation, and/or (3) Renewal of our present allocation and accumulation of additional low-cost WAPA power.

CC-6
CC-51(d)
CC-90

Lodi has an opportunity to join with other cities with power contracts expiring in 1994 to create a joint strategy and determine objectives so as to best assure our ability to renew our WAPA allocation while positioning ourselves to obtain additional low-cost WAPA power.

These cities have selected a consultant who will monitor WAPA actions, help develop strategy and prepare technical testimony.

A "not to exceed" authorization level for this consultant service covering a period September 1988 through 1989 or until completion of WAPA hearings would be shared equally by the participant cities. Lodi's share of this "not to exceed" authorized amount is \$26,667.

Following discussion, on motion of Council Member Hinchman, Reid second, the City Council by unanimous vote of all members present approved the contract with Resource Management International, Inc. (RMI) for Lodi's pro-rata share of technical representation services of a consultant required in aid of a multi-city effort to protect and enhance federal power allocation and authorized the City Manager and City Clerk to execute the contract.

COMMENTS BY CITY
COUNCIL MEMBERS

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

QUESTIONS POSED
REGARDING WHETHER
OR NOT CITY HAS
ORDINANCE IN PLACE
WHICH WOULD PROHIBIT
BIG TRUCKS FROM
PARKING IN FRONT
OF RESIDENCES AND
IN DRIVEWAYS

CC-45(b)
CC-48(a)

Following an inquiry by Council Member Hinchman as to whether or not the City has in place an ordinance which would prohibit big trucks from parking in front of residences and in driveways, the City Attorney replied that he feels that the City does not have an adequate ordinance in place.

REPORT REQUESTED
REGARDING THE COURTS
COMMUNITY WORK SERVICE
PROGRAM

CC-7(b)
CC-94

Council Member Hinchman asked the City Manager to provide a report to the City Council prior to the Christmas holidays regarding the Courts Community Work Service Program.

ELECTRIC UTILITY
DIRECTOR AND STAFF

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RECEIVE LETTER OF
APPRECIATION FROM
PLANT MANAGER OF
GENERAL MILLS

CC-9

Mayor Pinkerton read a letter that had been received from Robert K. Wheeler, Plant Manager, General Mills, Inc., expressing appreciation to the City for the recent rate re-structuring for Lodi industrial users. The letter further conveyed appreciation to Electric Utility Director Henry Rice and his staff for their support during General Mills recent heavy construction.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

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

CITIZEN REQUESTS
PRESENTATION
REGARDING THE CITY'S
FIRE INSPECTION
PROGRAMCC-24(b)
CC-112

Following a request regarding the matter being received from Walter Pruss, 2421 Diablo Drive, Lodi, the Mayor requested that a presentation regarding the City's fire inspection program be placed on the agenda for the City Council meeting of October 19, 1988.

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 Pinkerton called for the Public Hearing to consider the appeal of RoseMarie Mendonca of the Planning Commission's denial regarding the General Plan Amendment and rezoning of parcels located at 537 and 539 East Pine Street.

PUBLIC HEARING TO
CONSIDER APPEAL OF
ROSEMARIE MENDONCA
OF THE PLANNING
COMMISSION'S DENIAL
REGARDING THE GENERAL
PLAN AMENDMENT AND
REZONING OF PARCELS
LOCATED AT 537 AND
539 EAST PINE STREET,
CONTINUEDCC-35
CC-53(a)

City Clerk Reimche apprised the City Council that a letter had been received from Ms. Mendonca advising that she would be unavailable for this public hearing and asked that it be continued.

On motion of Mayor Pro Tempore Snider, Hinchman second, the City Council continued the subject public hearing to the Regular Council Meeting of October 19, 1988. The City Clerk was directed to do the appropriate mailing and legal advertising pertaining to this continued public hearing.

COUNCIL INTRODUCES
ORDINANCE NO. 1437
AMENDING THE SPECIFIC
PLAN OF LOWER
SACRAMENTO ROAD
BETWEEN KETTLEMAN
LANE AND LODI
AVENUECC-45(a)
CC-53(a)
CC-53(c)
CC-149

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the request of Ted Katzakian, Agent for the Apple Orchard Subdivision, which is bounded by Tokay Street on the north, Cochran Road on the south, and Lower Sacramento Road on the west, to amend the Specific Plan for

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Lower Sacramento Road, Kettleman Lane to Lodi Avenue.

The matter was introduced by City Manager Peterson. Further, Chief Civil Engineer Prima presented the following report concerning the matter:

The Planning Commission's approval of the tentative map for The Apple Orchard Subdivision included conditions relative to fencing on Lower Sacramento Road. These conditions shown on an exhibit presented for the City Council review were as follows:

- "11. The fencing on Lower Sacramento and Cochran Road to meet the approval of the Site Plan and Architectural Review Committee and if the approved fence is different than what is shown on the Lower Sacramento Road Specific Plan, the City Council should amend the Specific Plan."
- "15. That the Homeowners' Association maintain the Cochran Road fencing and landscaping with the Lower Sacramento Road fence publicly maintained."

The actual fence type had not yet been determined and it was assumed that the construction and maintainability of the fencing on Lower Sacramento Road would be equivalent to what was shown on the Specific Plan.

At the time that the final map and offsite improvement plans were approved by the City Council, the type of fence construction had still not yet been determined. It was not until the Site Plan and Architectural Review Committee submittal in August that the fence details and proposed landscaping was known. Since the proposed fencing, sidewalk, and alignment varies from the adopted Specific Plan, these changes are being brought to the City Council for approval.

The existing Specific Plan for Lower Sacramento Road shows a slumpstone and grapestone fence similar to that on Hutchins Street and Ham Lane south of Kettleman Lane. Exhibits A-1 and A-2 presented for the City Council's review show this requirement. The fence type being proposed is identical to the one on the west side of Sage Way, north of Century Boulevard. This proposed fencing is of dark red brick, 7' high, and is only 1 brick thick, rather than the 6' 2" X 2" grapestone with slumpstone pilasters as required by the Specific Plan.

The proposed fence location provides for a sidewalk width of 5' with a minimum 4½' of landscaping between the back of the sidewalk and the proposed fence location. The Specific Plan calls for a 7' sidewalk in residential reverse-frontage areas with the back of the sidewalk at the fence line. It is felt that the 5' sidewalk with landscaping and red brick fence will aesthetically be an improvement over what is required by the Specific Plan. At the present time, there are a number of different fence types on Lower Sacramento Road. From north to south, they are as follows:

<u>Location</u>	<u>Type of Fence</u>	<u>Maintained By</u>
Parkview Terrace, immediately north of Lodi Avenue	Dark red brick	Property owner
Leland Acres, Lodi Avenue to	Undulating brick, one brick thick	Property owner

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600' South

Residential area, No fencing
south of Leland
Acres

Apple Orchard Proposed dark Property owner*
Subdivision, red brick,
Tokay Street to one brick thick
Cochran Road

Apartment complex, No fencing,
immediately south landscaped berm
of Cochran Road

Doctor's Hospital, Slumpstone Property owner
North of Vine retaining wall
Street

South of Vine Undeveloped
Street

*It was recommended that the proposed fence be maintained by the homeowners' association unless the developer can provide structural calculations for the proposed fence.

On Leland Acres, the property owners are responsible for fence maintenance since their fence is only one brick thick and structural calculations could not be provided.

The Public Works and Community Development Departments recommend that the City Council introduce the proposed ordinance shown as Exhibit D and approve the variances to the Specific Plan for the Apple Orchard development. These variations include the following:

1. Five-foot sidewalk with a landscaped area between sidewalk and fence. Landscaping to be maintained by homeowners' association.
2. Seven-foot dark red brick fence, one brick thick as shown on Exhibit C for Council's review.
3. Fence to be maintained by homeowners' association unless structural calculations can be provided for proposed fence.
4. Location of fence to be as shown on Exhibit B presented to the City Council.

Mr. Ted Katzakian, Agent for the Apple Orchard Subdivision, spoke in support of amending the subject specific plan.

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

Following discussion, Council Member Hinchman moved for introduction of Ordinance No. 1437 entitled, "An Ordinance Amending the Specific Plan of Lower Sacramento Road Between Kettleman Lane and Lodi Avenue, Lodi". The motion was seconded by Council Member Reid and carried by a unanimous vote of all Council Member present.

PUBLIC HEARING TO
CONSIDER THE APPEAL
OF VICTOR W. MEYER,
REPRESENTING GRIFFIN
INDUSTRIAL PARK, 1350

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AND 1370 EAST PINE
STREET, LODI, OF THE
PLANNING COMMISSION'S
REQUIREMENT TO CONSTRUCT
A 7-FOOT HIGH MASONRY
FENCE ALONG THE EAST
SIDE OF GUILD AVENUE,
LODI, CONTINUED

CC-35
CC-53(a)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pinkerton called for the Public Hearing to consider the appeal of Victor W. Meyer, representing Griffin Industrial Park, 1350 and 1370 East Pine Street, Lodi, of the Planning commission's requirement to construct a 7-foot high masonry fence along the east side of Guild Avenue.

The matter was introduced by City Manager Peterson.

Community Development Director Schroeder advised the City Council that at its meeting of August 22, 1988, the Lodi City Planning Commission conditionally approved the tentative subdivision map of Griffin Industrial Park, a 19.52-acre, 45-lot tract located at 1350 and 1370 East Pine Street, Lodi, in an area zoned M-2. The subdivision is located immediately west of the Lodi Memorial Cemetery which is in the County.

The letter of conditional approval for the subdivision was presented for the City Council's review. Item 6 of the conditions requires "that Guild Avenue conform to the cross-section depicted on the attached sketch".

Vic Meyer's letter appealing the requirement for a 7-foot masonry fence was presented to the City Council.

The City Council was further advised that a standard City requirement where commercial or industrial zoned property abuts to any type of residential property is to require a masonry wall. It is also a standard City requirement to require all street improvements within the development to be the responsibility of the developer except on limited access major arterials. When a street centers on a property line, the adjacent property that will be using the street for access would normally pay for one-half of the street improvements and one-half of sanitary sewer and water installations.

The specific plan for Guild Avenue (formerly Myrtle Avenue) was adopted in February 1972 by Resolution 3592. When it was later determined that some graves and an existing building housing a well were outside the cemetery property, the specific plan was amended by Ordinance 1204 in June 1980, requiring additional dedication by the owner of the Griffin Industrial Park.

Both the original specific plan and the revised alignment were shown on an exhibit presented for City Council's review. Since the revision, a chain link fence with slats has been installed by the owner of Lodi Memorial Cemetery.

Even though the use difference between the two properties does not meet normal requirements, a masonry wall would provide both a visual and a sound barrier wall between the cemetery and the industrial property, It is apparent that the cemetery, because of the existing layout and use, will probably never need or wish to have access to Guild Avenue. As a consequence, possibilities for participation in the cost of street improvements are essentially

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nonexistent, even though it would normally be its responsibility.

Both the masonry wall and responsibility for construction of the east half of the street have been discussed previously, but no record can be found in either the Planning Commission or City Council minutes.

Possible Council actions include the following:

1. Deny the appeal. Construction of east half of Guild Avenue by City; construction of cemetery wall by developer.
2. Approve the appeal. Construction of east half of Guild Avenue by City; construction of cemetery wall either by City or cemetery, or no wall at all.
3. Approve the appeal but make appropriate modification of the Planning Commission conditions:
 - make the developer responsible for all of Guild Avenue; and
 - refer the matter back to the Planning Commission.

It was recommended that the City Council deny the appeal and determine that the Planning Commission conditions, having the City pay for the east half of Guild Avenue and the developer install a 7-foot masonry fence along the cemetery property, are appropriate.

There were no person wishing to speak against the appeal.

The following persons spoke on behalf of the appeal:

- a) Victor Meyer, 4 North Main Street, Lodi
- b) Bob Griffin, 119 North Crescent Avenue, Lodi

A lengthy discussion followed with questions being directed to Staff and to those persons who had addressed the City Council regarding the matter.

Following discussion, on motion of Council Member Hinchman, Snider second, the City Council continued the public hearing to the Regular City Council Meeting of October 19, 1988 in order to allow time for receipt of additional information and directed the City Clerk to do the appropriate notification to advise all interested parties of the continued public hearing.

PLANNING COMMISSION
REPORT

City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of September 12, 1988:

CC-35

The Planning Commission -

ITEMS OF INTEREST

1. Conditionally approved the request of Michael H. and Pamela J. Haas for a Use Permit to operate a child day care center for 12 children at 169 Hemlock Drive in an area zoned P-D (10), Planned Development District No. 10.
2. Requested the City Attorney to prepare an Ordinance which prescribes reasonable standards concerning the spacing and concentration of large child day care centers in areas zoned for single-family dwellings.

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3. Denied the request of Larry Busch on behalf of Concrete, Inc. for the extension of a Temporary Use Permit to install a portable concrete batch plant and office trailer, located at 1360 East Turner Road in an area zoned M-2, Heavy Industrial.

This action, which shuts down Concrete, Inc.'s operation unless appealed, was taken pending the receipt by the Planning Commission of (1) a specific schedule for the installation of permanent structures, and (2) a means to guarantee the work will be completed.

4. Set a public hearing to review the City's "Granny Unit" Ordinance and to recommend amendments to bring into conformance with State law and possibly make such units more compatible to residential neighborhoods.
5. Set a public hearing to consider recommending that off-street parking requirements in multiple family zones be increased from 1-1/2 to 2 spaces per living unit.

COMMUNICATIONS
(CITY CLERK)

LETTER REGARDING
CENTER STRIP - WEST
LANE OR ON THE
FRONTAGE ROADS OF
LOWER SACRAMENTO
ROAD

CC-16
CC-45(a)
CC-48(h)

Following receipt of a letter from Freda Bise, 2522 Cottonwood Drive, Lodi, requesting a caution light or stop light on Lower Sacramento Road and Park West Drive and requesting that trees be planted in the center strip of West Lane or on the frontage road of Lower Sacramento Road, the City Clerk presented a letter that had been sent to Ms. Bise in response from the Public Works Department.

Mayor Pinkerton requested that the subject of center strips be a topic of discussion for a future Shirtsleeve Session.

LETTER RECEIVED
FROM CALTRANS
ADVISING OF ITS
PROPOSAL TO
PURCHASE A MODULAR
BUILDING TO BE
LOCATED AT 845
EAST PINE STREET

CC-7(f)

City Clerk Reimche presented a letter which had been received from James B. Borden, District Director, State of California, Department of Transportation, advising of its proposal to purchase a modular building for office space at its Lodi Maintenance Station located at 845 East Pine Street, Lodi.

PUC APPLICATION

CC-7(f)

City Clerk Reimche presented a notice that had been received from the Public Utilities Commission of the State of California advising of the withdrawal of Application No. 88-08-023 - Application of the Sacramento-Valley Limited Partnership for authority to increase rates and charges applicable to cellular radio telephone service within the Greater Sacramento-Valley Metropolitan Area.

APPEAL WITHDRAWN

CC-35
CC-53(b)

The City Council was advised that a letter had been received requesting the withdrawal of the appeal of Victor W. Meyer, representing Concrete, Inc., 1360 East Turner Road, Lodi, of the Planning Commission's denial to extend the Temporary Use Permit for a portable batch plant and

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office trailer located at 1360 West Turner Road in an area zoned M-2, Heavy Industrial.

REGULAR CALENDAR

REFINANCING OF THE
CLUFF AVENUE/TURNER
ROAD ASSESSMENT
DISTRICTRES. NOS. 88-133,
88-134, 88-135,
AND 88-136

CC-10(g)

Following introduction of the matter by City Manager Peterson, Finance Director Robert Holm advised the City Council that the refinancing of the Cluff Avenue/Turner Road Assessment District would be beneficial to both the property owners and the City.

The taxpayers will benefit by a substantial reduction of interest costs. The average coupon interest will drop from 10.000% to 7.255%.

The City will also benefit, because these bonds can be issued as non-obligation bonds, releasing the City from financial responsibility; and the payment dates have been moved forward two months, improving cash flows (collection vis-a-vis payment).

Attorney-at-Law Timothy J. Hachman and Finance Director Robert Holm responded to questions regarding the matter as were posed by the City Council.

On motion of Council Member Hinchman, Reid second, the City Council adopted the following resolutions pertaining to the subject refinancing:

- a) Resolution No. 88-133 - A Resolution Appointing Engineer and Attorney
- b) Resolution No. 88-134 - A Resolution of Intention to Levy Reassessments and to Issue Refunding Bonds Upon the Security Thereof
- c) Resolution No. 88-135 - A Resolution Determining Convenience and Necessity, Adopting Engineer's Report, Confirming Reassessments and Ordering the Redemption and Refunding of Prior Bonds
- d) Resolution No. 88-136 - A Resolution Awarding Sale of Bonds

C-DRAINAGE BASIN
REDESIGNCC-27(a)
CC-27(c)

The City Council was apprised that, at the request of Daryl Geweke, the City has redesigned the C-Drainage Basin Park. The cost of the redesign work was paid for by Mr. Geweke. The new drainage basin park design provides for similar recreational activities and facilities as the existing plan and it has been approved by the Parks and Recreation Commission.

The major conceptual change in the redesign is in providing a 600-foot setback from Beckman Road to any additional land needed for basin expansion. The setback on the existing plan is 200 feet. The total number of acres in the proposed redesign plan is 0.795 acres less than the existing approved plan. However, as part of the redesign it was necessary to expand the park site to the east and provide a deeper basin. The expansion to the east involves a new property owner, Briggs-Parker. A diagram of the

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additional land needed for the redesign and the existing plan were presented for Council's review.

Property Owner	Additional Land Required - Acres	
	Existing Plan	Redesign
Kettelman	10.000 Ac.	5.078 Ac.
Briggs-Parker	None	4.127 Ac.
Total	10.000 Ac.	9.205 Ac.
Difference		0.795 Ac.

Also presented to the City Council was a copy of a letter dated August 23, 1988 sent to Daryl Geweke outlining the difference in the costs of the two park basin designs and a copy of a memo to the City Manager and City Attorney dated September 21, 1988 regarding C-Drainage Basin Redesign Costs.

The agreement that the City presently has with Mr. Geweke is that he would pay for the redesigning of the basin plan which would meet his needs with respect to frontage depth on Beckman Road. Then, once the total additional costs were known, he would then either ask the City Council to approve the redesign or keep the existing plan in place. If he asks the City Council to approve the redesign, he would commit to paying all the additional costs. Mr. Geweke, most likely, will not be in a position to ask the City Council to approve the redesigned plan without knowing the full costs.

One of the unknowns is what Briggs-Parker will accept for their land. These property owners are currently represented by Jim Jacobson of Sturman, Jacobson, Arbios Properties. Public Works Director Ronsko contacted Jim Jacobson last week and determined the property was on the market, however, he could not tell me whether or not the property owners would accept the same per acre price that the City agreed to pay the Kettelmans. Mr. Jacobson also indicated that Briggs-Parker were in the process of obtaining legal counsel.

Monday, the City received the following letter from the attorney representing Briggs-Parker. The City Attorney is contacting all the attorneys involved and will try to bring to the City Council meeting a solution agreeable to all parties.

"A copy is enclosed of your letter of August 23, 1988 addressed to Daryl Geweke, re a "C - Drainage Basin Redesign" which proposes to shift a taking of property from the Geweke land over onto property owned by my clients the Briggs family and Mildred Briggs Parker.

The Briggs-Parker land has been in their family for more than a hundred years and by them is affectionately called Pixley Park after their forefather who owned the land. Lt. James Russell Briggs was a captain of a wagon train. In California he rented land from Captain Weber of Stockton before buying his own land, and ran freight from Stockton to the Southern Mines, Angels Camp, Sonora and Mariposa. His daughter, Mary Briggs married Rueben Pixley. Thus the Briggs and Pixley families were joined. Lt. Briggs assisted Reuben Pixley in selecting the land adjacent to the present Geweke property.

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At the outbreak of the Civil War, Rueben Pixley volunteered in a California brigade which marched East to protect the freight, communication lines and Nevada mines from threatened or feared raids. Rueben and Mary Pixley built a two story mansion near the intersection of Kettleman Road and what will become the extension of Myrtle Avenue.

They were the parents of Ora Whitaker, cousin of the present co-owner Mildred Parker and cousin of the Briggs owners. From the deceased Ora Pixley Whitaker, an interest in the property descended to the present Russell Briggs of Modesto, and through him to James Russell Briggs and other members of the Briggs family. The other 2/3 interest descended from Ora Pixley Whitaker to the present Mildred Briggs Parker.

The parcel is referred to in the family as "Pixley Park" because of the beauty of the ancient gnarled grapes planted on the property.

Rueben Pixley planted the first Tokay vineyard in that area in 1898, and planted the Zinfandel grapes in 1900, so they are a monstrosously large and picturesquely beautiful.

The straight logical place for access to the C Drainage basin is over the Geweke land. But Mr. Geweke apparently would prefer to save his frontage and only use his land in the back, and to shove the frontage over onto the Pixley Park property to the detriment of the Briggs and Mildred Parker.

The Pixley Park property with the frontage is worth more per acre than the Geweke land in the back. Also, this proposed taking creates a severance problem in that there would be an irrigation and cultivation problem in the back of the Pixley Park where there is a small south end rectangle created of about 178 + feet by 200 + feet.

As a package, we propose the following:

1. Mr. Geweke purchase the South end small rectangle at the rate of \$26,260.00 an acre or such large sum per acre that he may receive from the City of Lodi, or
2. In the alternative, pay Briggs and Parker \$15,000.00 severance damage, and they will keep the rectangle.
3. If Mr. Geweke purchases, then he shall do all engineering, parcel splits, and title work, escrow and other costs of conveyance at his expense. The purchase price is net to us.
4. We will then sell, frontage and all to the City of Lodi at the \$26,260.00 an acre or such greater sum per acre as Mr. Geweke may receive;
5. Provided, however, that the park be named "Reuben and Mary Pixley Park."

If the park is so named the family anticipates working with the City in the design of some appropriate small roofed structure as is often found in state parks, exhibits and directory, which can be financed by the family."

There appear to be three options available at this point, each with its own risks. First, the Council can do nothing and allow the issues of the value and size of the land to be acquired from the Briggs-Parker interests to be

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resolved. This would result in probable increased costs to everyone as the land appreciates in value. It would also probably not be to the advantage of the Kettelmans, who are desirous of selling their property as soon as possible.

Second, the City could build the original plan by acquiring the Kettelman property (possibly via eminent domain in order to avoid problems with Mr. Geweke's option). This would not accommodate Mr. Geweke's needs and it appears the Parks and Recreation staff would prefer the redesigned plan.

Third, the City could go forward with acquisition of the Briggs-Parker property (assuming the present owner will sell prior to obtaining further appraisals). This would satisfy Mr. Geweke's needs. If Mr. Geweke is willing to accept responsibility for the increased costs, this would present the optimal scenario. However, if the Briggs-Parker owners are hesitant, it may be dangerous for the City to begin eminent domain proceedings, since the appraised value still has not been established.

It may also be possible to reach an agreement with Mr. Geweke that his extra costs would not exceed a certain figure.

Chief Civil Engineer Richard Prima presented diagrams of the subject area and responded to questions regarding the subject as were posed by members of the City Council.

Parks and Recreation Director Ron Williamson described in detail the proposed C-Drainage Basin redesign.

Also addressing the City Council regarding the matter and responding to questions as were posed by the City Council was City Attorney Bobby McNatt.

Cost difference between the two designs were presented by Mr. Prima.

The following persons addressed the City Council regarding the matter:

- a) Attorney-at-Law Robert Elliott representing Orrin and Gertrude Kettelman
- b) Attorney-at-Law Gerald Sperry representing Daryl Geweke
- c) Attorney-at-Law Lewis N. Hawkins representing the Briggs-Parker family

RECESS

Mayor Pinkerton asked for a 10 minute recess to allow a meeting of all the involved attorneys to see if an agreement could be reached. The meeting reconvened at 9:00 p.m.

Following additional discussion, on motion of Council Member Reid, Snider second, the City Council directed staff to continue in negotiations with Hawkins and Hawkins, the law firm representing the Briggs-Parker family regarding the name of the park, authorized staff to proceed with the acquisition of both parcels of property, and directed that this matter be placed on the agenda for the City Council meeting of October 5, 1988.

Further, the Mayor asked Attorney-at-Law Hawkins to provide the City Council with verification regarding historical data pertaining to Rueben Pixley contained in Mr. Hawkins' letter of September 14, 1988.

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URGENCY ORDINANCE
ADOPTED WHICH
INCORPORATES BY
REFERENCE THOSE
REFUSE COLLECTION
RATES ESTABLISHED
BY ORDINANCE NO. 1412

ORDINANCE NO. 1436
ADOPTED

CC-22(b)
CC-149

City Attorney McNatt apprised the City Council that it has been noted that the refuse ordinance introduced at the September 7, 1988 Council meeting purports to repeal all inconsistent portions of the existing refuse ordinance. Contained in the old ordinance is §13.16.030 (Ordinance 1412) which establishes the schedule of rates for refuse collection. However, the new ordinance introduced September 7 contains a new §13.16.030 which does not relate or pertain to rates.

While City Attorney McNatt doesn't believe this is necessarily a flaw in the new ordinance, it may be desirable to avoid confusion arising from the renumbering, by the adoption of an urgency ordinance which incorporates by reference those rates established in Ordinance 1412.

By doing so, all doubt is removed that the previous rate schedule remains in effect.

Following discussion, on motion of Council Member Reid, Hinchman second, the City Council, by unanimous vote of all Council Members present, adopted Urgency Ordinance No. 1436 entitled, "An Urgency Ordinance of the Lodi City Council Establishing Rates for Refuse Collection".

ORDINANCES

ORDINANCE GRANTING
EXCLUSIVE FRANCHISE
FOR WASTE DISPOSAL
SERVICES ADOPTED

ORD. NO. 1433
ADOPTED

CC-22(b)
CC-149

Ordinance No. 1433 entitled, "An Ordinance of the Lodi City Council Granting Exclusive Franchise for Waste Disposal Services" having been introduced at a Regular Meeting of the Lodi City Council held September 7, 1988 was brought up for passage on motion of Mayor Pro Tempore Snider, Hinchman second. Second reading of the ordinance was omitted after

reading by title, and the Ordinance was then adopted and ordered to print by unanimous vote of all Council Members present.

ORDINANCE REPEALING
LODI MUNICIPAL CODE
CHAPTER 13.16 -
SOLID WASTE - AND
REENACTING A NEW
ORDINANCE RELATING
TO THE DISPOSAL AND
HANDLING OF SOLID
WASTE

ORD. NO. 1434
ADOPTED

CC-22(b)
CC-149

Ordinance No. 1434 entitled, "An Ordinance of the Lodi City Council Repealing Lodi Municipal Code Chapter 13.16 - Solid Waste - and Reenacting a New Ordinance Relating to the Disposal and Handling of Solid Waste" having been introduced at a Regular Meeting of the Lodi City Council

Continued September 28, 1988

held September 7, 1988 was brought up for passage on motion of Council Member Reid, Hinchman second. Second reading of the ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered to print by unanimous vote of all Council Members present.

CLOSED SESSION

Mayor Pinkerton adjourned the meeting at approximately 9:30 p.m. to a Closed Session regarding property at 107-109 North School Street.

No action was taken by the City Council following the Closed Session and the meeting was adjourned at approximately 9:55 p.m.

ATTEST:

Alice M. Reimche
Alice M. Reimche
City Clerk