



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Introduce Ordinance Repealing and Reenacting Ordinance No. 964 in its Entirety, Regarding a Specific Plan for South Hutchins Street Between West Kettleman Lane and West Harney Lane to Revise the Reverse Frontage Fence Design

**MEETING DATE:** April 16, 2008

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Introduce an ordinance repealing and reenacting Ordinance No. 964 in its entirety, regarding a specific plan for South Hutchins Street between West Kettleman Lane and West Harney Lane to revise the reverse frontage fence design.

**BACKGROUND INFORMATION:** An ordinance adopting a specific design for South Hutchins Street between West Kettleman Lane and West Harney Lane was submitted to Council and adopted on November 17, 1971 (Attachment A). The design specified street width and related details, reverse frontage condition, and the design of the reverse frontage fence. The ordinance refers to specific plan drawings 71D57, 71D58, and 71D59 for the design standard. The drawings show a fence consisting of slump block pilasters on sixteen-foot centers with wooden grape stakes between the pilasters. This design became the standard in other areas of Lodi, such as Turner Road and Stockton Street and West Century Boulevard, but those areas are not covered by specific ordinance. These fences are failing due to age, dirt mounded against the wood portions of the fence, and frequent vandalism. The escalating cost of replacing the wooden grape stakes have made it economically more feasible to remove the wooden sections and replace them a section at a time with concrete slump blocks (Attachment B) when a full sixteen-foot section warrants replacement, and staff is proposing to make this change. A cost comparison from the last informal bid resulted in replacing a sixteen-foot section with the current wood design at a cost of \$1,500 or with the new masonry design for \$1,900. Although the masonry costs \$400 more, the overall strength of the design will eliminate the ongoing maintenance needed for the wood. This design will also withstand grade differences with the adjacent yards, which have proven detrimental to the existing wood fences.

The modification of the ordinance will allow sections of any reverse frontage City fence to be changed from a grape stake to the slump block design, as approved by the Public Works Director. This would only be done when the section of fence has sustained enough damage that a full sixteen-foot section would be replaced. Staff would also allow a property owner to pay to have the fence replaced should they want to incur the cost to change the fence for security or aesthetics reasons, if it does not fall under the City's replacement criteria. The downside of this change is that the now similar-looking fences will have different looking sections as they are replaced.

**FISCAL IMPACT:** Replacement with concrete block will reduce ongoing costs.

**FUNDING AVAILABLE:** Funding would come from the Street Operating Fund, as annually budgeted.

\_\_\_\_\_  
Kirk Evans, Budget Manager

\_\_\_\_\_  
F. Wally Sandelin  
Public Works Director

Prepared by Curtis Juran, Assistant Streets and Drainage Manager  
cc: George M. Bradley, Streets and Drainage Manager

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

ORDINANCE NO. \_\_\_\_\_

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI, REPEALING AND REENACTING ORDINANCE 964 IN ITS ENTIRETY SETTING FORTH A SPECIFIC PLAN FOR SOUTH HUTCHINS STREET BETWEEN WEST KETTLEMAN LANE AND WEST HARNEY LANE

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Ordinance 964, adopted November 17, 1971, is hereby repealed in its entirety and re-enacted to read as follows:

Section 1. - Authority. Pursuant to the provisions of Chapter 3 (commencing at Section 65450) of Title 7 of the Government Code of the State of California and pursuant to that certain General Plan, as amended, for the City of Lodi adopted by City Council Resolution No. 1885 on October 5, 1955, a Specific Plan for South Hutchins Street between West Kettleman Lane and West Harney Lane is hereby adopted.

The Specific Plan adopted hereby includes the regulations prescribed by this Ordinance and includes drawings 71D57, 71D58 and 71D59 on file with the Public Works Department.

Section 2. - Purpose. It is hereby declared that this Specific Plan is adopted to provide for and protect the health, safety, convenience and welfare of the citizens of the City of Lodi.

Section 3. - Description. Drawings 71D57, 71D58 and 71D59 display the Plan view of South Hutchins Street between West Kettleman Lane and West Harney Lane. However, the design standards set forth in Drawings 71D57, 71D58 and 71D59 may be modified to the extent required as a result of dilapidation, budget, and new technology within the discretion of the Public Works Director.

Section 4. - Regulations. The minimum front yard or street side yard required for buildings or structures by Section 27 of the Lodi Municipal Code (Zoning Ordinance) as amended, shall be measured from the future right-of-way line as depicted on Drawings 71D57, 71D58 and 71D59.

Section 5. - Homeowners. Homeowners with the Specific Plan may repair or replace their own fences in advance of the City schedule at their own expense to the standard established in Section 3.

Section 6. - Violation. Any person whether as principal, agent, employee or otherwise violating or causing or permitting or assisting in any use of land which is in violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more five hundred dollars (\$500) or by imprisonment in the County Jail for a term of not more than six (6) months or by both such fine and imprisonment.

Section 7. - All Ordinances and parts of Ordinances in conflict herewith are hereby repealed insofar as such conflict may exist.

SECTION 8. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 9. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 10. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 11. This ordinance shall be published pursuant to law and shall become effective thirty (30) days from the date of passage and adoption.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_  
JOANNE MOUNCE  
Mayor

ATTEST:

\_\_\_\_\_  
RANDI JOHL  
City Clerk

State of California  
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held \_\_\_\_\_, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2008, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

\_\_\_\_\_  
RANDI JOHL  
City Clerk

Approved to Form:

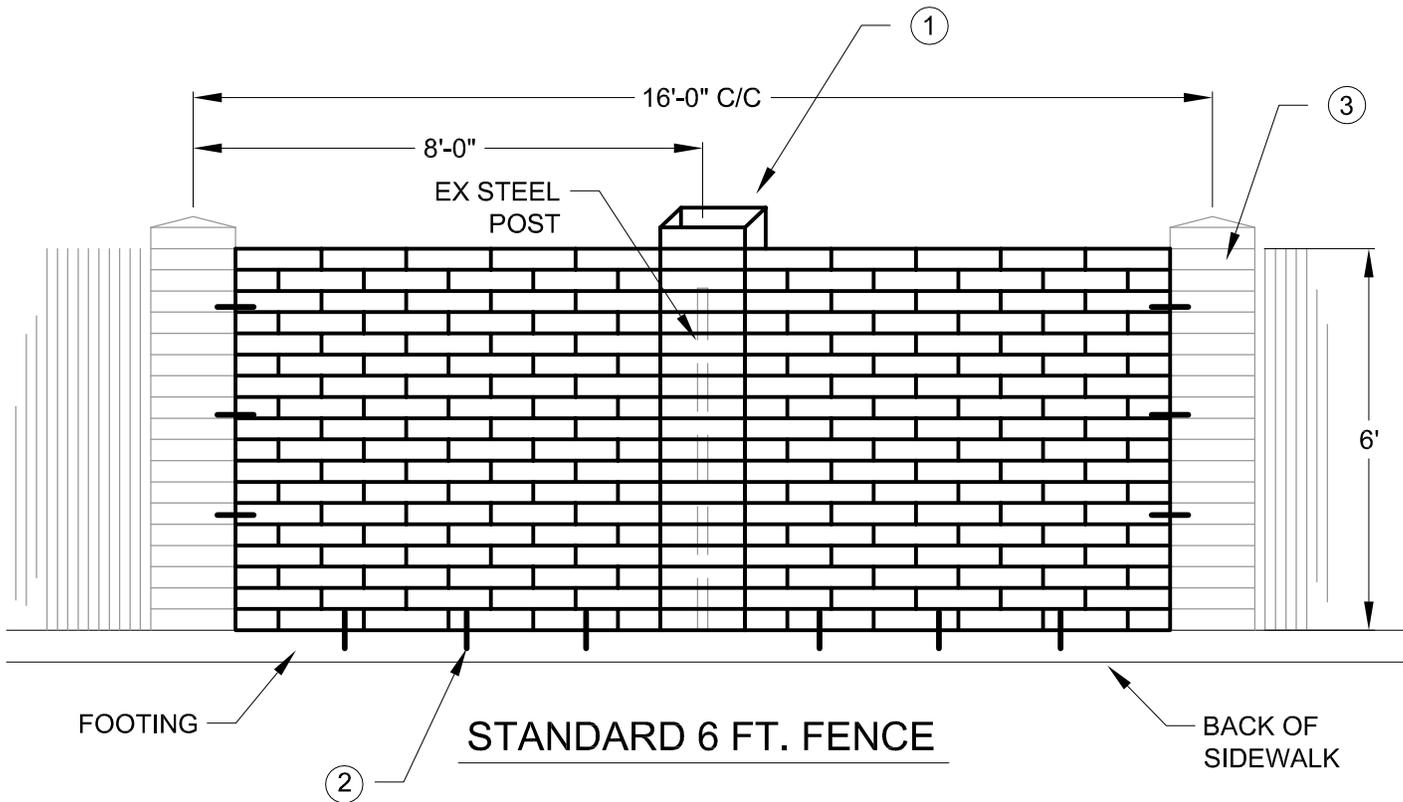
D. STEPHEN SCHWABAUER  
City Attorney



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## HUTCHINS STREET HARNEY - KETTLEMAN FENCE UPGRADE



### CONSTRUCTION NOTES:

1. BUILD PILASTER AROUND EX STEEL POST.
2. DOWEL #4 VERT. 24" OC INTO FOOTING, #4 TO TOP.
3. DOWEL #4 HORIZ. 24" OC INTO EX PILASTER, #4 CONTINUING THRU NEW PILASTER - END TO END.
4. REPLACE WOODEN STAKES WITH SLUMP BLOCK.
5. POUR SOLID.