LODI CITY COUNCIL

Carnegie Forum
305 West Pine Street, Lodi

TM

AGENDA – REGULAR MEETING

Date: **September 6, 2006**
Time: **Closed Session 6:00 p.m.**
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:
Jennifer M. Perrin
Interim City Clerk
Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

a) Public employment – Council Appointee – job title, City Clerk, pursuant to Government Code §54957 (CM)

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Chris Chavez, Heartland Community Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards – None

D-2 Proclamations

a) International Literacy Day (LIB)
b) Lodi Week of the Rose
c) Thoracic Aortic Aneurysm and Dissection Awareness Month

D-3 Presentations

a) Update on Centennial activities (CLK)

E. Consent Calendar (Reading; comments by the public; Council action)

E-1 Receive Register of Claims in the amount of $6,545,272.00 (FIN)

E-2 Approve minutes (CLK)

a) July 5, 2006 (Regular Meeting)
b) July 19, 2006 (Regular Meeting)
c) August 22, 2006 (Shirtsleeve Session)
d) August 25, 2006 (Special Meeting)

E-3 Approve specifications and authorize advertisement for bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2006-07 (PW)

Res. E-4 Adopt resolution rejecting all bids for the Turner Road Underpass Pump Station Modifications Project (PW)

Res. E-5 Adopt resolution authorizing the non-competitive purchase of a Jacobsen Model HR 9016 high-production rotary mower ($82,293.43) and a Kubota 90 HP Engine retro fit kit ($19,845.16), which includes $5,000 for installation, from H.V. Carter Company, Inc., of Sacramento, for the Parks Division (PR)

Res. E-6 Adopt resolution awarding contract for Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard, to George Reed, Inc., of Lodi, (548,430) and approving Contract Change Order No. 1 ($88,940) (PW)

Res. E-7 Accept improvements under contract for Peterson Park West Playground, 199 Evergreen Drive (PR)

Res. E-8 Adopt resolution authorizing transit services outside of regular service operations for a private wedding on October 21, 2006, and authorizing the Transportation Manager to advertise to determine if a willing and/or able provider exists for this event (PW)

E-9 Approve special transit fares for the Pink October Fashion Show in accordance with the Transit Fare Policy (PW)

Res. E-10 Adopt resolution authorizing the City Manager to renew agreement between San Joaquin County Data Processing and the Lodi Police Department (estimated annual cost $16,738.51) (PD)

E-11 Set public hearing for September 20, 2006, to consider unmet transit needs in Lodi (PW)

E-12 Set public hearing for September 20, 2006, to consider implementation of a new Substation and Transmission System Charge to be assessed as a development impact fee upon future electric utility customers outside existing City boundaries and making corresponding amendments to the applicable Electric Utility Department Rules and Regulations (EUD)

E-13 Set public hearing for October 4, 2006, to consider resolution establishing area of benefit and reimbursable costs for Lower Sacramento Road (Kettleman Lane to Harney Lane) improvements (PW)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

Res. I-1 Public hearing to consider two different appeals, one from the Vineyard Christian Middle School and one from a group of neighbors regarding the Planning Commission's decision of July 26, 2006, to approve the site and architectural plan for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue (File #06-SP-06) (CD)

NOTE: This item is a quasi-judicial hearing and requires disclosure of ex parte communications as set forth in Resolution No. 2006-31

J. Communications

J-1 Claims filed against the City of Lodi

a) Simone Dumas, date of loss: first week of June 2006 (CM)

J-2 Appointments

a) Post for vacancy on the Lodi Arts Commission (CLK)

J-3 Miscellaneous – None

K. Regular Calendar

K-1 Set public hearing for September 20, 2006, to consider changes to the Net Energy Metering Rate – Schedule NEM and establish the new Co-Energy Metering Rider – Schedule CME ordinances (EUD)

K-2 Provide direction regarding the use of viable funding options needed to offset costs associated with Lodi Grape Bowl related improvements and events (PR)

K-3 Request City Council set date for special meeting to conduct AB 1234 ethics training to Council Members and affected board and commission members (CA)

L. Ordinances

Ord. (Adopt) L-1 Ordinance No. 1783 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 – Permits and Regulations – by Adding Chapter 5.25, 'Pedicabs'" (CLK)

Ord. (Adopt) L-2 Ordinance No. 1784 entitled, "An Ordinance of the City Council of the City of Lodi Re-Classifying 220 Acres Located on the South Side of Harney Lane between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) from San Joaquin County AG-40 (Agriculture, General, Minimum 40 Acres) Zone to City of Lodi PD (Planned Development) Zone, Which Includes Designations Specific to Housing, Commercial, Office, and Public/Quasi-Public (Zone Change 06-Z-02)" (CLK)

Ord. (Adopt) L-3 Ordinance No. 1785 entitled, "An Ordinance of the City Council of the City of Lodi Adopting a Development Agreement Pertaining to the Development of 220 Acres Located on the South Side of Harney Lane Between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) (Development Agreement 06-GM-01)" (CLK)

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

_____
Jennifer M. Perrin
Interim City Clerk

AGENDA ITEM **D-2a**

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: International Literacy Day

MEETING DATE: September 6, 2006

PREPARED BY: Literacy Services Coordinator

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation proclaiming Friday, September 8, 2006, as "International Literacy Day" in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming Friday, September 8, 2006, as "International Literacy Day" in the City of Lodi. Stephanie Allen, Literacy Services Coordinator, will be at the meeting to accept the proclamation.

FISCAL IMPACT: None

FUNDING AVAILABLE: N/A

_____
Stephanie Allen
Literacy Services Coordinator

APPROVED: _____
Blair King, City Manager

AGENDA ITEM D-02b

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Lodi Week of the Rose

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation proclaiming the week of September 17 – 23, 2006, as "Lodi Week of the Rose" in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the week of September 17 – 23, 2006, as "Lodi Week of the Rose" in the City of Lodi. Paula Laughlin representing the Lodi/Woodbridge Rose Society will be at the meeting to accept the proclamation.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None.

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Jennifer M. Perrin
Interim City Clerk

JMP

APPROVED: _____
Blair King, City Manager

council/councom/Presentation1.doc

AGENDA ITEM D-02c

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Thoracic Aortic Aneurysm and Dissection Awareness Month

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation proclaiming the month of September 2006 as "Thoracic Aortic Aneurysm and Dissection Awareness Month" in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the month of September 2006 as "Thoracic Aortic Aneurysm and Dissection Awareness Month" in the City of Lodi.

Thoracic Aortic Aneurysm and Dissection (TAAD) is the bulging or tearing of the aorta in the chest. TAAD represents a life-threatening but also highly treatable condition due to advances in diagnostic, medical, and surgical technologies. Proactive diagnosis and appropriate treatment of TAAD minimize the incidence of emergency situations, dramatically improving survival and quality of life.

Carrie Mettler, Lodi resident and representative of the Bicuspid Aortic Foundation, will be at the meeting to accept the proclamation.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

_____
Jennifer M. Perrin
Interim City Clerk

JMP

APPROVED: _____
Blair King, City Manager

council/councom/Presentation2.doc

AGENDA ITEM D-03a

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Update on Centennial Activities

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required.

BACKGROUND INFORMATION: Interim City Clerk Perrin will give an update on the Centennial activities being planned for 2006.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

_____
Jennifer M. Perrin
Interim City Clerk

JMP

APPROVED: _____
Blair King, City Manager

council/councom/CentennialUpdate.doc

AGENDA ITEM **E-1**

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Receive Register of Claims Dated Aug 23, 2006 in the Amount of $9,545,272.00

MEETING DATE: September 6, 2006

PREPARED BY: Management Analyst

RECOMMENDED ACTION: That the City Council receive the attached Register of Claims. The disclosure of the PCE/TCE expenditures is shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of $9,545,272.00 dated 8/23/2006 which includes PCE/TCE payments of $525.00 and Payroll in the amount of $2,291,018.00

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

_____
Ruby R Paiste, Financial Services Mgr.

RRP/kb

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable Page - 1
Council Report Date - 08/23/06

As of Thursday	Fund	Name	Amount
08/03/06	00100	General Fund	545,862.78
	00123	Info Systems Replacement Fund	7,253.06
	00160	Electric Utility Fund	6,967,247.17
	00170	Waste Water Utility Fund	10,386.68
	00172	Waste Water Capital Reserve	8,920.26
	00180	Water Utility Fund	961.82
	00181	Water Utility-Capital Outlay	1,296.69
	00194	South Central Western Plume	51,287.96
	00210	Library Fund	1,741.62
	00234	Local Law Enforce Block Grant	312.48
	00235	LPD-Public Safety Prog AB 1913	13,458.30
	00260	Internal Service/Equip Maint	3,564.25
	00270	Employee Benefits	3,261.36
	00300	General Liabilities	336,924.36
	00310	Worker's Comp Insurance	338,901.34
	00321	Gas Tax	1,669.92
	00340	Comm Dev Special Rev Fund	226.28
	01250	Dial-a-Ride/Transportation	7,503.68
	01410	Expendable Trust	3,187.22
Sum			8,303,967.23

Total for Week
Sum 8,303,967.23

Accounts Payable Page - 1
Council Report Date - 08/23/06

As of Thursday	Fund	Name	Amount
08/10/06	00100	General Fund	561,086.90
	00123	Info Systems Replacement Fund	267.23
	00160	Electric Utility Fund	20,393.67
	00161	Utility Outlay Reserve Fund	158.92
	00164	Public Benefits Fund	6,932.24
	00170	Waste Water Utility Fund	9,677.79
	00172	Waste Water Capital Reserve	2,360.00
	00180	Water Utility Fund	6,592.05
	00181	Water Utility-Capital Outlay	657.27
	00184	Water PCE-TCE-Settlements	42,734.91
	00190	Central Plume	54,083.90
	00210	Library Fund	4,089.44
	00250	LFD-Federal Grants	3,608.90
	00260	Internal Service/Equip Maint	26,251.53
	00270	Employee Benefits	350,494.92
	00321	Gas Tax	1,080.45
	00340	Comm Dev Special Rev Fund	26,464.92
	01211	Capital Outlay/General Fund	444.73
	01212	Parks & Rec Capital	6,858.65
	01214	Arts in Public Places	39,109.63
	01218	IMF General Facilities-Adm	34.36
	01250	Dial-a-Ride/Transportation	920.54
	01410	Expendable Trust	76,477.28
Sum			1,240,780.23
	00183	Water PCE-TCE	525.00
Sum			525.00
Total for Week Sum			1,241,305.23

Council Report for Payroll Page - 1
Date - 08/23/06

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	07/30/06	00100	General Fund	776,529.54
		00160	Electric Utility Fund	137,438.32
		00164	Public Benefits Fund	5,179.85
		00170	Waste Water Utility Fund	61,383.43
		00180	Water Utility Fund	8,061.96
		00183	Water PCE-TCE	236.25
		00210	Library Fund	32,473.83
		00235	LPD-Public Safety Prog AB 1913	210.29
		00260	Internal Service/Equip Maint	16,660.07
		00321	Gas Tax	56,598.16
		00340	Comm Dev Special Rev Fund	37,823.49
		01250	Dial-a-Ride/Transportation	2,994.77
Pay Period Total:				
Sum				1,135,589.96
	08/13/06	00100	General Fund	769,302.72
		00160	Electric Utility Fund	129,565.20
		00164	Public Benefits Fund	5,023.95
		00170	Waste Water Utility Fund	63,716.32
		00180	Water Utility Fund	7,944.77
		00210	Library Fund	32,779.69
		00235	LPD-Public Safety Prog AB 1913	197.92
		00260	Internal Service/Equip Maint	16,353.40
		00321	Gas Tax	56,304.03
		00340	Comm Dev Special Rev Fund	38,410.12
		01250	Dial-a-Ride/Transportation	2,994.77
Pay Period Total:				
Sum				1,122,592.89
Retiree	08/31/06	00100	General Fund	32,835.02
Pay Period Total:				
Sum				32,835.02

AGENDA ITEM E-02

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approve Minutes
a) July 5, 2006 (Regular Meeting)
b) July 19, 2006 (Regular Meeting)
c) August 22, 2006 (Shirtsleeve Session)
d) August 25, 2006 (Special Meeting)

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:
a) July 5, 2006 (Regular Meeting)
b) July 19, 2006 (Regular Meeting)
c) August 22, 2006 (Shirtsleeve Session)
d) August 25, 2006 (Special Meeting)

BACKGROUND INFORMATION: Attached are copies of the subject minutes, marked Exhibits A through D.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

_____
Jennifer M. Perrin
Interim City Clerk

JMP
Attachments

APPROVED: _____
Blair King, City Manager

council/councom/Minutes.doc

LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 5, 2006

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of July 5, 2006, was called to order by Mayor Hitchcock at 5:50 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce (arrived at 6:40 p.m.), and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer (arrived at 6:58 p.m.), Deputy City Attorney Magdich, and Interim City Clerk Perrin

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), regarding Association of Lodi City Employees (General Services and Maintenance and Operators) and Lodi Professional Firefighters, pursuant to Government Code §54957.6

b) Actual Litigation: Government Code §54956.9(a); one case; *County of San Joaquin v. City of Stockton et al.*, San Joaquin County Superior Court, Case No. CV029651

c) Actual Litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al*., United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

C-3 ADJOURN TO CLOSED SESSION

At 5:50 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:00 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:09 p.m., Mayor Hitchcock reconvened the City Council meeting, and Deputy City Attorney Magdich disclosed the following actions.

In regard to Item C-2 (a), direction was given to staff.

Items C-2 (b) and (c) were information only.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of July 5, 2006, was called to order by Mayor Hitchcock at 7:09 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer (left at 9:09 p.m.), Deputy City Attorney Magdich, and Interim City Clerk Perrin

B. INVOCATION

The invocation was given by Pastor Jason Tacderan, Zion Reformed Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hitchcock presented a proclamation to Tony Goehring, Parks and Recreation Director, proclaiming the month of July 2006 as "Parks and Recreation Month" in the City of Lodi. Mr. Goehring announced that Lodi will be hosting the State Babe Ruth Tournament this year, which will be the first one in Lodi in over a decade.

D-3 (a) Interim City Clerk Perrin provided an update on the Centennial activities being planned for 2006. Further, Wally Sandelin, representing the Centennial Task Force, presented the City with a Centennial afghan, which depicts various pictures representing the Lodi community.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Beckman, Mounce second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of $2,649,003.46.

E-2 The minutes of May 31, 2006 (Special Meeting), June 13, 2006 (Shirtsleeve Session), June 27, 2006 (Shirtsleeve Session), and June 27, 2006 (Special Meeting) were approved as written.

E-3 Approved the plans and specifications and authorized advertisement for bids upon receipt of authorization to construct from Caltrans for the Stockton Street Asphalt Concrete Resurfacing Project (Kettleman Lane to 1,000 Feet South of Century Boulevard).

E-4 Adopted Resolution No. 2006-126 awarding the contract for Playground Improvements at Blakely Park, 1050 South Stockton Street, to A. M. Stephens Construction Inc., of Lodi, in the amount of $209,577.80.

E-5 Accepted the improvements under "Playground Improvements at Van Buskirk Park, 600 North Pleasant Avenue, and Hale Park, 209 East Locust Street" contract.

E-6 Adopted Resolution No. 2006-127 accepting improvements under "Henning Substation Driveway and Parking Lot Expansion" contract.

E-7 Adopted Resolution No. 2006-128 accepting improvements in Vintage Oaks, Tract No. 3482 (east side of Lower Sacramento Road, south of DeBenedetti Park).

E-8 "Adopt resolution authorizing fee adjustments for various Animal Shelter services and approving a shelter spay/neuter voucher program" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar***.

E-9 Authorized the City Manager to execute a settlement agreement in the matter of *Michels Corporation, dba Michels Pipeline (Gelco Services) v. Crutchfield Construction Company, et al*., San Joaquin County Superior Court, Case No. CV 028006, regarding the City's Water and Wastewater Main Replacement Program, Project No. 2.

ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

E-8 "Adopt resolution authorizing fee adjustments for various Animal Shelter services and approving a shelter spay/neuter voucher program"

City Manager King reported that this request is to adjust the fees across the board for services provided by the Animal Shelter in order to encourage responsible pet ownership. It also includes a proposal that an amount of money be provided for spay and neuter vouchers

for low-income residents, in addition to various financial incentives with the fees to encourage people to be responsible when they claim their pet or when their pet is cited. Jeanie Biskup, Special Services Manager, reported that Lodi, based on its population and the National average, should have approximately 40,000 pets in its community; however, the data shows that it has only 2,500 licensed pets, which indicates that a large number are unlicensed. Ms. Biskup reviewed the proposed fees as follows:

- Current licensing fees are $20 for unaltered cats and dogs; proposed fee is $50.
- The licensing fees for altered cats and dogs is presently $6; proposed fee is $10.
- The unlicensed animal fee penalty is currently $20; proposed fee is $50, which is intended to encourage residents to license their pets. Because a large number of pets are unlicensed, Ms. Biskup recommended there be a 60-day fee increase waiver; whereby, residents would not be penalized. In addition, the shelter staff would operate clinics throughout the community to license pets and offer low-cost spay and neuter incentives.
- There is currently a 20% fine if a license is allowed to expire, which causes staff to prepare a notice to comply and track the licensing of the animal; proposed fee is $50.
- The cost of boarding animals has increased and the proposed fee would cover the costs incurred for food, cleaning of the kennels, etc.; proposed fee is $10 (present fees are $8 for dogs; $6 for cats).
- Current disposal fee is $25; proposed fee is $50. It has become quite costly for the shelter to maintain, care for, and adopt out the animals that are left at the shelter, and the fee increase is to encourage residents to otherwise find homes for unwanted pets.
- Impound and field calls are currently $30 to pick up an at-large animal. Many times, Animal Service Officers are picking up the same animals repeatedly, and this fee proposal is to address those who do not take responsibility for their at-large pets by allowing them to run loose or by not providing adequate fencing. The proposed level of fees is based on cost recovery for staff to take in the animal, examine and inspect it for microchip or licensing information, provide necessary shots, and search for owner information.
- Current spay and neuter deposit is $50; proposed fee is $75, which is permitted by the State Food and Agricultural Code. This fee is to encourage people to have their animals spayed and neutered, after which they would receive back their deposit.

In response to Council Member Hansen, Ms. Biskup stated that, to license an unaltered dog, it would be $50; however, if Animal Services were to pick up an unlicensed dog, it would cost to license the dog and a penalty would be imposed for having an unlicensed dog over the age limit of four months (i.e. two separate fees). She further confirmed that those who voluntarily license their animals would only be imposed the initial fee to license their pet and not be assessed a fine.

Mayor Pro Tempore Johnson suggested an amnesty program in order to encourage people to license their pets without penalty, to which Ms. Biskup responded that staff would like to offer a number of clinics throughout the community to make available an on-site veterinarian to provide rabies shots, as well as staff to license pets, all without penalty. Mr. Johnson suggested that a more concerted effort be made so that the full impact of the fees and penalties are realized by the residents.

Ms. Biskup reported that the People Assisting the Lodi Shelter and Animal Friends Connection has adopted out over 500 animals in 2005; however, the Shelter took in over 2,200 pets. The root of the problem is the unwanted litters, and the adoptions aid in this effort, but it does not fully address the problem. The spay and neuter voucher program would allow Animal Service Officers the flexibility to offer this option to low-income individuals or those with special circumstances rather than imposing fees that would make it cost prohibitive for people to retain their animals.

PUBLIC COMMENTS:

- Steve Jarrett stated his objection to raising the licensing fee for unaltered animals by 150% and he believed that people have a right to own unaltered dogs because of their beliefs or because they do not like the personality changes that occur with a neutered animal. He believed that, out of the 428 licensed unaltered animals, very few were likely picked up last year as running loose. He encouraged Council to increase the licensing fee for unaltered animals to $30.

- Eunice Friederich stated that the residents on the east side will not be able to afford the fee increases and she expressed concern that many will ultimately abandon their pets. She encouraged Council to study this proposal further before taking action and also suggested that the licensing fee be lower for cats. Many people rescue animals or serve as foster homes until the animals are adopted, and she requested that no one in this situation be penalized for not licensing an animal. Ms. Friederich was opposed to the $50 disposal fee and stated that any type of amnesty or flexibility in the fines and penalties be spelled out so that everyone is treated equally. She believed the City should seek additional donations instead of raising the fees.

Council Member Beckman questioned if it was realistic to charge more for cats than for dogs, to which Ms. Biskup responded that cats require more intensive maintenance because each cage needs to be individually hand cleaned; whereas, dog kennels can be hosed down. Additionally, the paperwork, cost of the license, and processing are identical for cats and dogs, and the redemption rate for cats is 4% versus 37% for dogs, which means that more cats than dogs remain at the shelter to be cared for and maintained.

Council Member Hansen believed that there is likely a high percentage of people whose pets are current on their shots but are unlicensed and he wanted to be ensured that there was a well advertised amnesty period built into the rates so that residents are educated on and aware of their requirements, as well as the penalties.

MOTION:

Council Member Hansen made a motion to adopt Resolution No. 2006-129 authorizing fee adjustments for various Animal Shelter services and approving a shelter spay/neuter voucher program, with a six-month amnesty and educational program to alert the public as to the time period they have to license their animals.

Mayor Pro Tempore Johnson asked if Council Member Hansen would modify his motion to extend the amnesty period in order to allow the shelter time to structure and advertise the program, to which Mr. Hansen amended his motion to an eight month amnesty period. Mayor Pro Tempore Johnson seconded the amended motion.

DISCUSSION:

Council Member Beckman questioned what residents would be receiving amnesty from, to which Mr. Hansen responded it would be amnesty from the current fees. Based on further discussion, confusion arose as to whether the amnesty would be for all fees or for only the penalties.

Mr. King suggested that the resolution language be amended to reflect an effective date of January or February 2007 so that the current fees are maintained until the resolution takes effect.

Council Member Mounce expressed concern about the penalties for unlicensed animals and believed that many people would not claim their pets in order to avoid paying the fees, which could result in unwanted animals being euthanized.

MOTION AMENDED:

Council Member Hansen amended his motion, Johnson second, to adopt Resolution No. 2006-129 authorizing fee adjustments for various Animal Shelter services and approving a shelter spay/neuter voucher program, to be effective February 1, 2007, in order to allow a time period to alert and educate the public as to the time period they have to license their animals.

DISCUSSION:

City Manager King pointed out that the exhibit to the resolution did not include all of the fees included in the staff report and that it would be corrected.

VOTE:

The above amended motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock
Noes: Council Members – Mounce
Absent: Council Members – None

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Felix Huerta, business agent for the American Federation of State, County, and Municipal Employees, addressed the Council regarding possible recruitment and retention problems in the water treatment plant operator series at White Slough. A number of qualified employees have left to seek employment with other local jurisdictions, and he believed this was a result of the inadequate salary level. The remaining employees work four 10-hour shifts, plus overtime, in order to keep the plant operating, and he believed the City was close to being in violation of the licensing requirements. Mr. Huerta stated that the City recently released a survey that indicated the employees were underpaid by 4.2%. He stated that last year there was an arbitration regarding the salary schedule and linkage between two classifications in the Finance Department, and the resolution was to focus on the issue during this year's negotiations; however, it has not yet been addressed.

  Mayor Hitchcock pointed out that negotiations between Council and the bargaining units are typically not conducted publicly and questioned if this was the correct process, to which Mr. Huerta replied that he was simply providing information to the Council.

  Mr. Huerta further stated that the City agreed to benchmarking in the current contract, which has not yet been done, and he expressed concern that the unions are not being provided accurate information.

- David Nielsen reported that Senator Barbara Boxer's office is continuing to research the Patriot Act extension and has directed Mr. Nielson to www.grants.gov for information on federal grants that can be obtained through the City of Lodi to assist in the efforts to clean up his neighborhood on East Locust Street. He discovered three grants totaling $22,675,000 for gang education in schools and revitalization or deconstruction of distressed housing that the City may be eligible for, the details of which he provided to the City Manager. Mr. Nielsen submitted a draft ordinance (filed), which would require City inspectors to tour all rental properties larger than single-dwelling homes one time per year, and requested that Council consider adopting it. The ordinance would ensure that residential units are properly maintained and that landlords and tenants comply with the City's housing code. The program would generate money for the City in the form of fees and would reduce gang activity, pest infestation, and injury and would guard against hazardous conditions, thereby protecting property values. Similar programs have been successfully implemented throughout the state and have been unsuccessfully challenged by landlords.

  Council Member Beckman questioned why the ordinance singles out single-family dwellings, to which Mr. Nielsen responded that a single-family dwelling typically houses between three and four people; however, multi-dwelling units have several families living together. His goal is to make landlords accountable by managing the properties properly and making the living conditions safe for the tenants and the citizens of the community.

Mayor Pro Tempore Johnson pointed out that state law establishes the number of people per square footage, which is very generous, and he questioned if this would hinder Mr. Nielsen's efforts. Randy Hatch, Community Development Director, responded that the state standards for square footage per occupant are so minuscule that it is meaningless for an occupancy enforcement provision. He was aware of other jurisdictions, including Stockton, that have implemented annual inspection programs who have met with a great deal of controversy, and he suggested that this type of program be researched further before being implemented.

Council Member Mounce stated that Code Enforcement has difficulty gaining access to properties to determine whether or not there are code violations on the inside and she was in favor of reviewing the proposed ordinance and the potential grants presented by Mr. Nielsen.

Council Member Beckman stated that the city of Stockton is putting forward a ballot initiative regarding a rental ordinance and suggested that the City wait to see the outcome of the measure.

In response to Mayor Hitchcock, Mr. Nielsen stated that the ordinance includes fees for inspections and fines. Mayor Hitchcock stated that this matter would be referred to staff and brought back at a future date.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Beckman requested that a Shirtsleeve Session be scheduled to discuss the issues brought up by Mr. Nielsen, as well as a briefing on the city of Stockton's measure.
- Council Member Hansen provided a report on the status of AB 2021 regarding energy efficiency and SB 1554 regarding exit fees. The 3% per kilowatt hour penalty provision included in AB 2021 has been eliminated, and SB 1554 successfully moved forward in the Senate; however, Assemblyman Levin defeated it and is attempting to rewrite it. Last week, he testified before the Senate Utilities Communications Committee on AB 2987 regarding AT&T providing alternative services in cities. Several issues were brought before the committee, including redlining, public access, fees versus Proposition 218 tax, and abrogation. Cable television supports this bill as a way to eliminate the fees it takes to cities. Rather than have a franchise through local government, it wants the state to control it, and municipalities are fighting to maintain local control. Mr. Hansen reported that the Measure K Expenditure Plan has been approved and the measure will be on the November ballot for renewal as Measure "K." Finally, the Northern California Power Agency approved a resolution regarding the monitoring and eventual reduction of greenhouse gases. He voted in favor of it because it was clear that this matter would be mandatory for all local agencies; however, the implementation of the guidelines would be determined by each individual entity.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King reported that he and staff have reviewed the three grants mentioned earlier by Mr. Nielsen; one applied to housing authorities and another to education, both of which the City of Lodi would not be eligible for, and the third was a Department of Justice grant, which could potentially be obtained through the Police Department. He stated that staff will continue to look into the matter.

  In regard to AB 2987, the interesting turn has been the cable company's endorsement of the legislation, which came with the ability to release itself from local franchise agreements. There are agreements in most local municipal cable franchises that are unique to a city, and if this legislation passes, cities will lose the control to negotiate specific features as the California Public Utilities Commission would be responsible for regulating cable franchise agreements.

  Mr. King reported that the deadline for applications for the City Clerk position has been extended to July 28 in order to advertise the position in the City Clerk's Association of California publication and Web site.

Mayor Pro Tempore Johnson cautioned that many grants call for matching funds and that staff to be aware of that when researching these grants, to which Mr. King responded that the grants in question did not include matching requirements.

I. PUBLIC HEARINGS

I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider adopting a resolution establishing low-income discounts for water and sewer services and further adopting a resolution to place the measure on the ballot for the November 7, 2006, General Municipal Election.

Mayor Hitchcock questioned if all low-income discount programs need to be placed on the ballot for approval by the voters, to which Mr. King responded in the negative. The low-income discounts for water and sewer services come from an enterprise fund, and according to law, the City cannot charge more than the cost to provide the services; therefore, the issue is that some ratepayers are subsidizing others.

City Attorney Schwabauer reported that Council adopted a low-income discount program on August 4, 2004, at which time discussion centered on whether or not Proposition 218 applied. He believed that discounts could be provided under Proposition 218 as it is a standard practice among all publicly- and privately-owned utilities and it is used as a debt collection tool; however, others believe that it violates Proposition 218 because a majority of the rate payers are subsidizing others. At the 2004 meeting, Council directed that this matter be placed on the ballot at the next general election. For 2006-07, the program will cost $128,300 (or 1.6% of revenue) for the water discount and $134,500 (or 1.7%) for the wastewater discount. The proposed resolution includes at 2% cap of revenues from the rate program and does not constitute a rate increase as the fees have already been collected.

In response to Council Member Mounce, Interim City Clerk Perrin replied that it costs $5,000 to $10,000 to place a measure on the ballot and the 2006-07 budget incorporated this expense.

Council Member Hansen inquired if the ballot question would be worded in a positive or negative, to which Mr. Schwabauer responded that it is worded in accordance with the formula set forth in the Elections Code (i.e. "*shall* the proposed resolution *be approved*").

In response to Council Member Hansen, Mr. Prima stated that the impact on the average bill for the discounts would be 25 to 30 cents per month each for water and sewer. The number of those who qualify for the program has increased since it was approved, which prompted the proposed 2% cap on the program.

Council Member Hansen questioned if the money that has been collected for this program would be refunded to ratepayers should the measure fail, to which Mr. Schwabauer responded that the decision would be that of the Council.

In response to Council Member Mounce, Mr. Schwabauer stated that, if Council did not place the matter on the ballot, the program could be challenged in court.

Hearing Opened to the Public

- Ann Cerney expressed concern about placing the issue on the ballot as many will not understand it and will vote no on the measure. She encouraged Council to delay its decision to get further input and believed it was unlikely it would be challenged.

- Russ Munson questioned what the impact to the City would be if both the water rate reduction initiative and the low-income discount program passes.

  City Manager King replied that, if the low-income discount program passes, there is no change in the rates. If it fails, there would be a minor change in the rates: some would see an increase and others a decrease, which results in a zero net affect. The water rate reduction initiative, however, would severely impact operations, if passed.

- David Nielsen expressed support for the low-income discount program and suggested that developers and new businesses be surcharged to help pay for the $45 million clean up costs.

Public Portion of Hearing Closed

MOTION:

Council Member Beckman made a motion, Hansen second, to adopt Resolution No. 2006-130 establishing low-income discounts for water and sewer services and to adopt Resolution No. 2006-131 ordering that a measure be submitted to the voters at the November 7, 2006, General Municipal Election relating to low-income discounts for water and sewer services.

DISCUSSION:

Council Member Mounce expressed concern that the measure would fail and opted for not placing it on the ballot. She believed it was unlikely that it would be challenged.

Mayor Hitchcock encouraged Council Members to join with her in writing a ballot argument in support of the measure.

Council Member Hansen agreed with the concern that the measure may not pass; however, he believed the Council had a responsibility to fulfill its promise of placing it on the ballot as Council directed in 2004.

Mayor Pro Tempore Johnson stated that he supports discounts for senior citizens and low-income citizens citywide and would not support placing the measure on the ballot.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, and Mayor Hitchcock
Noes: Council Members – Johnson and Mounce
Absent: Council Members – None

RECESS

At 9:09 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 9:21 p.m. NOTE: City Attorney Schwabauer left the meeting at 9:09 p.m., and Deputy City Attorney Magdich acted in his stead.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

a) The City Council, on motion of Council Member Mounce, Beckman second, unanimously made the following appointments.

Animal Shelter Task Force

Jayne Nielsen	Unspecified term limit

Lodi Arts Commission

Ben Burgess	Term to expire July 1, 2009
Nancy Carey	Term to expire July 1, 2009

San Joaquin County Commission on Aging

Terri Whitmire	Term to expire June 30, 2009

J-3 Miscellaneous – None

K. REGULAR CALENDAR

K-1 "Adopt resolutions approving the 2006-07 Financial Plan and Budget and the 2006-07 Appropriations Spending Limit, *OR* adopt resolution authorizing the continuation of expenditures from July 7, 2006 through July 22, 2006, if necessary"

Mayor Hitchcock asked Council Members to state the issues they would like discussed and voted on separately from the budget:

- Council Member Beckman stated he would be abstaining on the funding for the Lodi Conference and Visitors Bureau (LCVB);
- Council Member Mounce requested further discussion on the graffiti abatement program and on Account 900, which states "Blank" on a $5 million line item;
- Mayor Hitchcock requested to pull for discussion the economic development position restoration;
- Council Member Hansen requested further discussion on the funding for the Downtown Lodi Business Partnership (DLBP); and
- Mayor Pro Tempore Johnson stated that he would not vote in favor of the budget due to his concern on adding staff during a tight budget year.

City Manager King stated that the proposed funding for the graffiti abatement program is $47,950 and restoring it to the present level would be $60,000, which could be accomplished by eliminating the economic development coordinator position. He suggested, however, that another source of revenue for funding the program be determined during the mid-year adjustments. Historically, Lodi has had an economic development position, and he has recently received requests from the business community to restore this position. Additionally, there are several programs being developed, which would require a staff person to monitor and implement, such as targeted recruitments for specific businesses, revolving loan programs, downtown impact mitigation fees, and recruitment for hotels.

Mr. King explained the formula he used to calculate the funding recommendations for the various organizations, which were all tied to economic development and were compared to the cost of a mid-management position as the base level. His purpose was to create a public policy to fairly determine funding levels and establish parity between the various organizations. In the case of the LCVB, staff had recommended that the funding level be reduced over a three-year period, which was much less than that requested by the LCVB. The alternative would be to more gradually reduce the level over six years, which is closer to the $15,000 reduction proposed by LCVB and still meets the formula.

Mr. King highlighted some of the proposed personnel changes in the budget:

- City planner is a title change to planning manager – no salary change proposed;
- In the Fire Department, upgrade 3 firefighters to firefighter/engineers and to backfill by adding 3 firefighters, which would create a total of 18 firefighters, 21 fire engineers, and 15 fire captains – no net change to the budget as money from overtime would be used to fund the positions;
- Water services technician is a new position, which replaces the water conservation officer;
- A third grade is being added to the wastewater plant operator series in order to provide more capacity and attract and retain people; and
- Restoration of the water/wastewater superintendent position, along with the added qualification of being a registered civil engineer – those who have been serving to fill this position would maintain their salaries and receive title changes.

In response to Mayor Hitchcock, Mr. Prima stated that there are six operator positions at White Slough and only two of those positions are currently filled. He disagreed with the earlier statement on the cause of the turnover as most have left for higher level positions with other entities, as the City does not have such positions available. The proposed grade III in the operator series would assist in recruiting, as well as offer a range of positions.

Mayor Pro Tempore Johnson suggested that the request for additional firefighters be delayed to see if Measure G passes in November, at which time the Fire Department would be able to hire six firefighters.

Fire Chief Pretz responded that he currently has a minimum of 16 people on shift; however, due to vacations and sick leave, he is forced to call back staff on overtime. Measure G was not proposed to address the overtime issue; it was to hire firefighters/paramedics in order to implement the paramedic program. He pointed out that there is a six-month lag time in hiring and, if approved, the new firefighters would not be on board until January.

Council Member Hansen stated that he would support hiring the three positions; however, he would observe the situation very closely to ensure that the department breaks even on the overtime. If, during mid-budget year, there has not been a reduction in overtime, he would not support any further positions. He questioned if the overtime was factored into the six-month lag time it would take to fill these positions, to which Chief Pretz responded in the affirmative.
City Manager King pointed out that, if it took longer to hire the staff, the overtime budget may be higher than what was budgeted; however, the regular salary budget would be reduced to offset that.

Council Member Hansen questioned what the overall increase is in the budget for all of the personnel adjustments, to which Mr. Krueger estimated that it was approximately $100,000 throughout the entire budget.

Council Member Beckman stated he was not in support of hiring the firefighters if Measure G is successful and suggested that staff begin the recruitment process, however, hold off on filling the positions until the outcome of the election is known.

Chief Pretz reiterated that Measure G is completely separate from the overtime issue and the request for three additional firefighters. Measure G would add six paramedics to the Fire Department regardless of the number of staff presently in the department – it is two separate programs.

Council Member Beckman expressed support for fully funding the graffiti abatement program at the $60,000 level and eliminating the economic development coordinator position.

Mayor Pro Tempore Johnson expressed opposition to adding the firefighters when there is an opportunity in November to add six paramedics, which would address the overtime issue as well as achieve the paramedic program.

In response to Council Member Mounce's earlier question regarding Account 900, Mr. Krueger reported that the account represents the amount of anticipated revenue that would be received from the utility rate increase. The reasons the account was listed as "blank" were that staff did not have the breakdown on how much would go into each revenue category and to highlight the anticipated affect on the total budget within the Electric Utility fund for the current fiscal year.

In response to Mayor Hitchcock, Mr. King explained that there was debate as to the true number of sworn positions in the Police Department, which should have been 77 versus 76.

He recommended full staffing of the department, with the exception of the unfunded grant position, and the draft budget pages were corrected to add back the 77th officer. Once grant funding is obtained, the 78th position would be included in the position control.

Council Member Hansen concurred with increasing the graffiti abatement funding by eliminating the economic development coordinator position. He cautioned, however, that at some point in the near future, the City will need to invest in ways to bring additional businesses, revenue, and sales tax to the community. He agreed that there needs to be a basis for determining the funding levels for the various organizations; however, he expressed concern on the assumptions and formula used. He questioned if ultimately all of the organizations would receive $35,000, or the equivalent to the mid-management salary level at that time, to which Mr. King replied in the affirmative.

Mayor Hitchcock expressed support for restoring the LCVB funding level to $108,500.

NOTE: Due to a potential conflict of interest stemming from his spouse's employment with the Lodi Conference and Visitors Bureau, Council Member Beckman abstained from discussion on this matter and vacated his seat at the dais at 10:25 p.m.

Nancy Beckman, Executive Director of LCVB, expressed appreciation to the City Manager in providing a basis by which all of the organizations are funded; however, she did not agree with the base amount. She stated that reducing the amount over six years, rather than three, would ease the impact on the organization. She believed that the service LCVB provides is a definite return on the City's investment, which includes transient occupancy tax and sales tax revenues, tourism, and jobs.
In response to Council Member Hansen, Ms. Beckman stated that 90% of conference and visitors bureaus receive government funding for support of their organizations.

NOTE: Council Member Beckman returned to his seat at the dais at 10:31 p.m.

Mr. King reported that the Library is proposing a refurbishment project and intends to utilize $150,000 from the library fund balance, for which Council is the budgeting authority. This would reduce the fund balance to $450,000. The other funding sources for the project are within the control of the Library Board and Library Foundation.

Nancy Martinez, Library Services Director, stated that the $681,000 refurbishment project will include new carpeting and flooring, painting, rearrangement of the stacks, a new service desk and teen area, café seating area, new furniture in the work rooms, energy efficient lighting upgrade, and a remodel of the entrance ramp that would address Americans with Disabilities Act requirements.

Council Member Hansen questioned if the Library was the only department allowed to set aside funds into a fund balance, to which Mr. King replied that Community Development was recently established as a self-funded department. Mr. Hansen expressed concern about the failing heating, ventilation, and air conditioning (HVAC) system and that enough money should remain in the fund balance to address the situation.

Ms. Martinez stated that the Lodi Public Library Foundation is the fundraising arm and support group for the Library, which currently has $520,000 in undesignated funds and is raising money for expansion of the Library. Since that project is well off into the future, it voted to expend $200,000 on the refurbishment project. The private sector trust fund is from a bequest received in 1979 and is under the purview of the Library Board of Trustees, which has committed $250,000 toward the refurbishment project. The reasons for requesting this now is that the final dollar amount was unknown and it had been expected that the budget would have been adopted.

In response to Council Member Hansen, Mr. King confirmed that the $150,000 request would not reduce the general fund total as the library contribution of $1.6 million was already transferred into the library fund. From that contribution, the library has a revenue and expense budget; any surplus goes into the library fund reserve.

Mr. King stated that he has been unable to locate information on where there is a separate taxing authority for the Lodi Public Library. The City Council makes the policy decision of how much of its general fund to transfer to the library. There are taxing entities that have a separate levy on tax bills, and he believed that this was Lodi's intention in the 1970s, but it was not consummated prior to Proposition 13.

Mayor Hitchcock believed that, prior to Proposition 13, a certain amount of the property tax went to fund libraries, which was eliminated when Proposition 13 was approved. The City then allocated a portion of the property tax to fund the library, which was not enough; therefore, additional money was contributed from the general fund, which remained in the library's fund for capital improvement purposes. She stated that the predicament is whether the fund balance should be used on the refurbishment project or be reserved to take care of the imminent HVAC replacement; otherwise, money from the general fund will be needed to handle that capital improvement.

In response to Mayor Pro Tempore Johnson, Ms. Martinez stated that the Library Foundation is not in favor of utilizing its funds toward maintenance issues, nor is the Board in favor of using the private sector trust fund in that manner. The refurbishment project is for basic maintenance, as well as to reduce the exposure to risk due to potential tripping hazards. She believed it would be possible to scale back portions of the project and indicated that staff would review that once the project went out to bid.

In response to Council Member Beckman, Mr. King stated that the Council is the funding authority for the library fund balance and this $150,000 request represents an increase in the library's expenditures. Had this request been made after the adoption of the budget, it would have resulted in an amendment to the budget. Mr. Beckman stated that he was not in favor of using the funds for the refurbishment project and would prefer that it be set aside for replacement of the HVAC system.

In response to Council Member Hansen, Mr. Krueger stated that the library fund balance has gone from $650,000 two years ago to an estimated ending balance in the next fiscal year of $540,000 (without utilizing the requested $150,000). Mr. Hansen stated that he could not support the project at this time.

Ms. Martinez stated that the Library Board views the fund balance as within its purview to expend in the manner in which it sees fit, based upon legislation set forth in the education code.

Mayor Hitchcock suggested that staff meet with the Library Board to educate it on how the money is allocated from the general fund and remains a part of the City to be used toward capital projects and improvements.

Council Member Beckman suggested that a Shirtsleeve Session be scheduled to explain why the City continues to have a library fund balance.

PUBLIC COMMENTS:

- Felix Huerta, business agent for the American Federation of State, County, and Municipal Employees, reminded the Council that the City has an obligation to meet and confer on changes in conditions of employment. If the City is proposing to lay off positions (i.e. eliminating the water conservation officer) or creating new positions (i.e. water services technician), the City has an obligation to bargain with the units over

the wages of that position. As of yet, he has not been provided any documentation on the proposed changes, and if the labor practices are violated, the union would be forced to file a grievance against the City. Due to the high number of vacated or frozen positions, the bulk of the work falls to the remaining employees. In regard to the elimination of a meter reader position, he pointed out that there will be one route short where the electricity will need to be estimated, which may result in inaccurate readings or an increase in complaints to the City. He believed that it would not fix the problem at the wastewater treatment plant by creating a third operator level, and the City should instead resolve the issues with grades I and II.

Mr. King stated that the position changes would be subject to meet and confer and would be executed prior to any changes. He pointed out that there are existing Memorandums of Understanding that have grievance procedures to resolve disputes that are applicable to both sides.

- Ann Cerney expressed support for the Library and stated that it is one of the City's most valuable institutions.

NOTE: Due to a potential conflict of interest stemming from his spouse's employment with the Lodi Conference and Visitors Bureau, Council Member Beckman abstained from discussion and voting on this matter and vacated his seat at the dais at 11:12 p.m.

MOTION #1:

Council Member Hansen made a motion, Hitchcock second, to adopt Resolution No. 2006-132 approving funding in the amount of $108,500 to the Lodi Conference and Visitors Bureau for fiscal year 2006-07.

DISCUSSION:

In response to Mayor Pro Tempore Johnson, Deputy City Attorney Magdich stated that he could vote to approve the funding and still vote no on the overall budget document as they are separate resolutions.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Hitchcock
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Beckman

NOTE: Council Member Beckman returned to his seat at the dais at 11:13 p.m.

MOTION #2 / VOTE:

Council Member Beckman made a motion, Hansen second, to adopt Resolution No. 2006-133 adopting the 2006-07 Operating and Capital Improvement Budget for the fiscal year beginning July 1, 2006 and ending June 30, 2007, and approving the 2006-07 Appropriations Spending Limit, which incorporates the changes of 1) increasing funding for graffiti abatement officer to $60,000 and 2) eliminating the economic development coordinator position. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, and Mayor Hitchcock
Noes: Council Members – Johnson and Mounce
Absent: Council Members – None

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Beckman, Mounce second, unanimously voted to hear only Items K-3, K-6, and L-1 following the 11:00 p.m. hour.

K. REGULAR CALENDAR (Continued)

K-2 "Adopt resolution affirming July 1 opening and October 1 closing date for filing applications for residential allocations under the Lodi Growth Management Ordinance and direct staff to work with the development community to establish a new timeline for Council approval of various elements of development approvals" was ***pulled from the agenda pursuant to the above vote***.

NOTE: The following item was discussed and acted upon out of order.

K-6 "Presentation from the Grape Bowl Ad Hoc Committee regarding elements of the Americans with Disabilities Act Transition Plan and request that Council approve the proposed Grape Bowl concept plan"

With the aid of a PowerPoint presentation (filed), Richard Dean, Chairman of the Grape Bowl Ad Hoc Committee, reported that the Committee has met every Monday for the last five months to address the major deficiencies at the Grape Bowl, which include the following:

- Lack of accessible path of travel;
- The ramps are too steep and are lacking landings – by code they should be at 8.33% grade and they are currently over 16%;
- The cross slopes exceed 2%;
- Tripping hazards;
- Dilapidated and inaccessible restrooms, concessions, and field house.

The major driving force in this effort is to address the issues related to disabled access and to avoid potential lawsuits; however, any efforts to upgrade the Grape Bowl would require the entire facility to be brought up to code. Phase I of the Americans with Disabilities Act (ADA) Transition Plan was to receive a report from the Committee by July 2006 on the opportunities, constraints, and costs associated with upgrading the Grape Bowl. The next deadlines are Phase II in 2007-08 when the City is to hire an architect to design the plans for the renovations and Phase III in 2008-10 when the City is to award the contract and begin construction.
Mr. Dean stated that the Committee was approached by proponents of Measure G who suggested that the indoor sports complex be incorporated into the Grape Bowl and, it chose to distance itself from the measure as it would delay the Committee by not knowing the outcome until late 2006.

Mr. Dean displayed the design concept, which includes knocking out the west end of the Bowl and constructing a ticketing and concession plaza. There would be a ground level entrance even with the front row seating and a sky bridge with a two-story concession stand and restroom facility that would be accessible at both levels by elevator or stairs. The facility would include a seating area with tables and chairs at field level in the end zone area. The estimated cost for the project is $6 million to $8 million, which includes an optional $1.2 million for artificial turf.

Presently, the Grape Bowl is used for football for Lodi Unified and Boosters of Boys and Girls Sports, the annual band review, and graduation ceremonies. The Committee created three tiers of uses: 1) motocross and extreme motor sports; however, there are concerns due to the required surface and potential damage to the field; 2) horse and dog shows, garden shows, circus, and car shows; and 3) football, band reviews, graduations, soccer, and track meets. The Committee believed there would be a demand for regulation soccer; however, the Bowl could not house both a regulation soccer field and a regulation track.

The Committee also believed that the Bowl would be appropriate for concerts; however, there may be issues and complaints arising from the neighbors.

The Committee conducted a survey at one of its public forums and placed 10,000 surveys in the newspaper; he highlighted the following results from the 287 that were completed:

- Minimal renovations with potential costs in excess of $3 million – yes 140; no 126.
- More than minimal; put money into it for more potential uses – yes 154; no 117.
- Sell it, buy more property, and build another sports complex – yes 50; no 230.
- Raise funds by quarter cent sales tax, transient occupancy tax, utility tax, parcel tax – most were not in favor.

There are companies that would privately promote and run a sports facility; however, it was felt that the Grape Bowl did not have enough uses to attract someone in that manner. Development fees or public facilities fees would be a potential funding option, and the Committee also looked at redevelopment. The problem with redevelopment is that it takes time to get the cash flowing; however, the Committee believed it was an option that the City should research and pursue. The Committee seriously considered bringing forth a request to Council to place a quarter cent sales tax initiative on the November ballot; however, it ultimately determined the ballot was too crowded with other initiatives and that it would not be successful. The last option for funding would be private donors and naming rights, which is the direction the Committee recommends heading toward.

It costs $60,000 a year to maintain the Grape Bowl at its current level, and the Committee believed that could be recouped through additional rental fees. The Bowl presently rents for $4,000 a day, and if it were in good condition, the fee could be increased. There is the potential for advertising sales and a ticket surcharge.

In order to mitigate the hazards to improve disabled access and reduce the possibility of civil litigation, the Committee recommended that the City continue to restrict the use of the facility to only currently scheduled events and repair the tripping hazards. Additionally, the City should provide disabled parking, portable restrooms, and access from the east end of the field and require event sponsors to provide disabled assistance.

Mr. Dean summarized the Committee's recommendation:

- Create a 501c3, non-profit fundraising committee, independent of the City of Lodi, to raise money to pay for the Grape Bowl and to assist with the mitigation projects.
- Recess the Ad Hoc Committee for one year and reconvene in July 2007 to see how much money has been raised and develop final recommendations to the City.
- Implement a ticket surcharge on the gate fees for football games and place the money into a Grape Bowl mitigation fund. He recommended a $1 to $2 ticket surcharge, but he cautioned that the gate fees and concession fees were the major fundraisers for the high school athletic programs.
- Mitigate the hazards now to avoid liability and perhaps expand the current uses at the Bowl.

In response to Mayor Pro Tempore Johnson, Mr. Dean stated that the estimated $6 million to $8 million is for the entire project. The Committee did not calculate how much money could be generated on rentals, but it believed that it would be enough to cover the maintenance on the facility. Mr. Dean stated that the high schools would prefer to play their games at the Grape Bowl and he has not heard that they intend to discontinue using that facility.

Council Member Mounce questioned what the trigger is for ADA compliance in a construction project, to which Mr. Hatch stated that significant projects such as this would require the entire facility to be brought into ADA compliance.

Council Member Hansen expressed willingness to further study the option of redevelopment and he questioned how seriously the option of a private foundation or funding partnership was explored. Mr. Dean responded that the Committee felt that it could not find a private company that would be willing to offer $6 million to $8 million; however, there is potential to have a private promoter market the events at the Bowl.

Council Member Beckman expressed support in further researching the redevelopment option, particularly since the Grape Bowl would provide a specific project for the plan.

Mayor Hitchcock also expressed support for pursuing a redevelopment agency; however, she expressed concern that it takes too long to gain a pot of incremental tax dollars and that it would not be enough to pay for this project.

Mr. Hatch explained that the project area would need to be significantly larger than the Grape Bowl because the Grape Bowl itself would not generate an increment.

Mayor Pro Tempore Johnson pointed out that four Council Members expressed an interest in pursuing redevelopment relative to this project and believed it was concurrence for staff to bring this matter back for further discussion.

Mr. King summarized that the committee would like Council endorsement on the physical concept of the facility and the City's blessing for it to raise funds through a 501c3 non-profit organization, independent of the City as the effort would be more successful without the disclosure requirements. The 12-month hiatus of the Committee would provide Council the opportunity to further pursue other options. Through a ticket surcharge, the Committee recommends that interim ADA improvements be made to the facility.

PUBLIC COMMENTS:

- Steve Jarrett questioned whether this $8 million project was a satisfactory use of public funds, when its utilization will most likely not be greater than it is currently.
- Chuck Easterling stated that he was the chairperson of the proposed Redevelopment Agency Project Area No. 1 and believed that many people signed the petition against the project because of the scare tactics of eminent domain being used to take private homes. He suggested pursuing the redevelopment option with the elimination of any language referring to eminent domain.

  Mayor Hitchcock confirmed that the Council subsequently removed that language.

  Council Member Mounce stated that she walked many precincts with the petitions against the redevelopment project and most people signed willingly after reading the first line of the plan.

MOTION:

Council Member Beckman made a motion, Johnson second, to approve the proposed Grape Bowl concept plan, which includes the following elements: 1) design concept (filed); 2) formation of a 501c3 non-profit organization to begin fund-raising efforts; 3) Grape Bowl Ad Hoc Committee will recess for one year; 4) mitigation measures at the Grape Bowl (i.e. repair tripping hazards, provide disabled parking, portable restrooms, wheel chair spaces at lower level, etc.); 5) City to implement a ticket surcharge for the purpose of a Grape Bowl mitigation fund; and 6) Grape Bowl Ad Hoc Committee to reconvene in July 2007 to develop final recommendations to the City.

PUBLIC COMMENTS (Continued):

- Ann Cerney questioned if the agenda title accurately reflected the action to be taken, what the concept plan entailed, and what ancillary Council actions would flow from this.

Mr. Hatch stated that this is an implementation of the ADA Transition Plan, which was to investigate the Grape Bowl as being the largest and most challenging non-compliant City facility. The diagram is the concept, which would be used by the fundraising group to raise money. At this time, there are no development actions through zoning or development permits.

Ms. Magdich added that the Committee would recess for a one-year period in order to allow time for the 501c3 non-profit committee to raise funds, at which time the Ad Hoc Committee would receive a report on the fundraising effort and would report back to the Parks and Recreation Commission and the City Council.

Ms. Cerney expressed concern that it was stated that there is concurrence of four Council Members to pursue redevelopment, which was not mentioned on the agenda, and expressed concern that a 501c3 corporation would be making suggestions, but not be subject to disclosure laws.

Ms. Magdich responded that the agenda description is accurate as the Ad Hoc Committee made its presentation and discussed a number of options to consider. The Ad Hoc Committee would not form the non-profit organization; it would be a separate entity from the City, which would report back to the Ad Hoc Committee on its fundraising efforts.

DISCUSSION:

Council Member Beckman questioned if his motion should include a dollar amount for the ticket surcharge, to which Mr. King responded that the amount would be a topic of separate discussion and that staff would further research and discuss the matter with the school district.

VOTE:

The above motion carried by a unanimous vote.

K-3 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel ($15,561.48)"

MOTION:

Council Member Hansen made a motion, Mounce second, to approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of $15,561.48, as detailed below:

Folger Levin & Kahn - Invoices 183453.7323

Invoice No.	Date	Description	Amount
Withheld	Amounts	from Previous Invoices	
94738	03/01/06		$1,367.00
94732	03/01/06		650.00
93892	02/06/06		2,115.00
93280	01/06/06		1,175.00
92663	12/05/06		235.00
6200	4/30/2006	Peter Krasnoff/WEST	1,037.50
		Total	$6,579.50

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Invoice	Total

No.	Date	Description	Amount	100351.732	183453.732
225700	05/25/06	General advice	603.07	603.07	
225700	05/25/06	Claims by Environmental Consulting	38.00		38.00
225700	05/25/06	Lodi First v. City of Lodi	1,859.90	1,859.90	
225700	05/25/06	Citizens for Open Government v. City of Lodi	494.20	494.20	
225700	05/25/06	AT&T v. City of Lodi	3,589.81	3,589.81	
225700	05/25/06	Water Supply Issues	2,397.00		2,397.00
			$8,981.98	$6,546.98	$2,435.00

DISCUSSION:

Mayor Hitchcock believed that the issues associated with Lodi First and Citizens for Open Government were completed and questioned why there were still expenses being incurred, to which Ms. Magdich replied that she would look into the matter.

VOTE:

The above motion carried by a unanimous vote.

K-4 "Provide direction regarding scheduling and type of action the Council may take at informal informational meetings referred to as "Shirtsleeve" City Council meetings" was ***pulled from the agenda pursuant to the above vote***.

K-5 "Review and discussion of current regulations pertaining to food vending vehicles" was ***pulled from the agenda pursuant to the above vote***.

K-7 "Introduce ordinance amending Lodi Municipal Code Title 5 – Permits and Regulations – Chapter 5.40, "Adult-Oriented Businesses," by repealing and reenacting Section 5.40.020, "Location of Adult-Oriented Businesses," to add "Residentially-Zoned Property" to the list of land uses subject to distance regulations regarding the location of adult-oriented businesses; and repealing and reenacting Section 5.40.400(D)(1) to delete the requirement that employees of adult-oriented business be fingerprinted as part of the employee license process" was ***pulled from the agenda pursuant to the above vote***.

K-8 "Introduce ordinance amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.39, "C-2 General Commercial District," and Chapter 17.42, "C-M Commercial-Light Industrial District," to add card rooms as a permitted use, with a use permit, in both the C-2 and C-M zoning districts" was ***pulled from the agenda pursuant to the above vote***.

L. ORDINANCES

L-1 Following reading of the title of Ordinance No. 1780 entitled, "An Ordinance of the City Council of the City of Lodi Imposing a Transactions and Use Tax to be Administered by the State Board of Equalization and Adding Chapter 3.09 to the Lodi Municipal Code," having been introduced at a regular meeting of the Lodi City Council held June 21, 2006, the City Council, on motion of Council Member Mounce, Johnson second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – None

NOTE: Council Member Beckman abstained from voting on this matter without stating a reason, and in accordance with Lodi Municipal Code Section 2.04.140, his silence was recorded as an affirmative vote.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:46 a.m., Thursday, July 6, 2006, in memory of Leonard Lachendro, former City Librarian from 1962 to 1991, who passed away on Monday, July 3.

ATTEST:

Jennifer M. Perrin
Interim City Clerk

LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JULY 19, 2006

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of July 19, 2006, was called to order by Mayor Hitchcock at 5:35 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and Interim City Clerk Perrin

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), regarding Association of Lodi City Employees (General Services and Maintenance and Operators), pursuant to Government Code §54957.6

b) Actual Litigation: Government Code §54956.9(a); one case; *County of San Joaquin v. City of Stockton et al.*, San Joaquin County Superior Court, Case No. CV029651

c) Actual Litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al*., United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

d) Actual litigation: Government Code §54956.9; one application; *Parry Ray v. City of Lodi*; WCAB Case Number STK176332 – 10/08/01

C-3 ADJOURN TO CLOSED SESSION

At 5:35 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:46 p.m.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:03 p.m., Mayor Hitchcock reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-2 (a) and (c) were not discussed.

In regard to Item C-2 (b), direction was given to staff.

In regard to Item C-2 (d), settlement authority was given to staff.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of July 19, 2006, was called to order by Mayor Hitchcock at 7:03 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and Interim City Clerk Perrin

B. INVOCATION

The invocation was given by Pastor Dale Edwards, Century Assembly Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 (a) Mayor Hitchcock presented a proclamation to Police Chief Adams and Crime Prevention Officer Andrea Patterson proclaiming Tuesday, August 1, 2006, as "National Night Out 2006" in the City of Lodi. Officer Patterson announced that there are currently 88 registered block parties and that this year's theme is in celebration of the City's Centennial.

D-3 (a) Council Member Mounce presented a Resolution of Appreciation to Candace Groomes representing Landmark Innovative Industries for its generous donation of services to design and prepare the "In God We Trust" plaque. Ms. Mounce invited the public to view the plaque, which was displayed in the Carnegie Forum lobby.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Beckman, Mounce second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of $2,357,889.30.

E-2 The minutes of June 6, 2006 (Shirtsleeve Session), June 7, 2006 (Regular Meeting), July 4, 2006 (Shirtsleeve Session), and July 11, 2006 (Shirtsleeve Session) were approved as written.

E-3 "Authorize sale of asphalt grindings as surplus property during calendar year 2006" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar***.

E-4 "Accept donation of artwork from winner of the community art painting at the Lodi Arts Commission Art on the Square" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar***.

E-5 "Adopt resolution authorizing the City Manager to execute Contract Change Order for the Elm Street Paving Stone Replacement Project, School Street to Sacramento Street, and appropriating funds ($45,000)" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar***.

E-6 Adopted Resolution No. 2006-134 approving renewal of existing downtown parking lot cleaning contract and Resolution No. 2006-135 approving renewal of existing Hutchins Street Square landscape maintenance contract with United Cerebral Palsy of San Joaquin and Amador Counties, of Stockton, for fiscal year 2006-07 in the amount of $59,840.

E-7 "Adopt resolution authorizing the City Manager to execute contract with San Joaquin County Sheriff's Office for Alternative Work Program for general maintenance within the City Parks and Recreation Facilities and Public Works Street Division" was ***removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar***.

E-8 Adopted Resolution No. 2006-136 authorizing the City Manager to execute the service/maintenance agreement for the police computerized information systems with Data 911 and authorizing payment in the amount of $80,000 using funds as appropriated in the 2006-07 police department operating budget.

E-9 Adopted Resolution No. 2006-137 authorizing the City Manager to execute agreement forms with the Bureau of Justice Assistance accepting grant funding in the amount of $23,355 to support technology program activities within the Lodi Police Department.

E-10 Adopted Resolution No. 2006-138 setting priorities for filing written arguments regarding the Low-Income Discounts for Water and Sewer Services measure scheduled for the November 7, 2006, General Municipal Election and directing the City Attorney to prepare an impartial analysis.

E-11 Authorized funds in the amount of $2,600 from the Protocol Account for the City Council to host a reception honoring members of Council-appointed boards, commissions, committees, and task force groups.

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

E-3 "Authorize sale of asphalt grindings as surplus property during calendar year 2006"

PUBLIC COMMENTS:

- Ted DeLong, representing the Tokay Radio Control Model Club, stated the club hopes to use this material to finish the runway at its new site and he urged Council to approve this request.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Hansen second, unanimously authorized the sale of asphalt grindings as surplus property during calendar year 2006.

E-4 "Accept donation of artwork from winner of the community art painting at the Lodi Arts Commission Art on the Square"

Council Member Mounce suggested that the young man be invited to a Council meeting to receive recognition for his donation, to which Mayor Hitchcock responded that, assuming the donation is approved by Council, it would be scheduled for the next regular meeting.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously accepted donation of artwork from winner of the community art painting at the Lodi Arts Commission Art on the Square.

E-5 "Adopt resolution authorizing the City Manager to execute Contract Change Order for the Elm Street Paving Stone Replacement Project, School Street to Sacramento Street, and appropriating funds ($45,000)"

Wally Sandelin, City Engineer, reported that the change order addresses work that is maintenance oriented on School Street to address separation between the bricks. The contractor for the Elm Street project pointed out that there should be annual maintenance, and this contract change order would address that.

Mr. King stated that the original project was the replacement of the work on Elm Street between School and Sacramento Streets, and this change order would take advantage of the bid price to do similar work on School Street.

In response to Council Member Hansen, Mr. Sandelin stated that staff is satisfied that the work has been completed according to specification. The contractor will come back to address the gaping between some of the bricks. In regard to a guarantee, staff believes it has arrived at a long-term solution to address this problem, which was primarily related to poor compaction under the pavers before being set.

MOTION:

Council Member Hansen made a motion, Hitchcock second, to adopt Resolution No. 2006-139 authorizing the City Manager to execute Contract Change Order for the Elm Street Paving Stone Replacement Project, School Street to Sacramento Street, to perform additional downtown street paving stone maintenance activities and appropriating an additional $45,000 in Proposition 42 Transportation Improvement Act funds.

DISCUSSION:

In response to Mayor Hitchcock, Mr. Sandelin replied that staff was initially led to believe that the pavers were relatively maintenance free; however, that was not the case, and gaps occur as traffic wears on the pavers and moisture occurs underneath the pavement if the surface is not sealed properly. The Public Works Street Division would address these issues as part of its annual maintenance.

Mayor Pro Tempore Johnson questioned why the cost of this project is so high as compared to the entire Elm Street project, to which Mr. Sandelin responded that there is a dollar per square foot comparison between the two contracts.

In response to Mr. Johnson as to whether this project should have been re-bid if it was not part of the original work, Mr. King stated that Public Works believed that the per unit price for the work was a competitive price. On a square foot basis, this should be the same cost, and he believed there was no prohibition on the change order dollar amount.

Mr. Sandelin responded to Mr. Johnson that typically there is a one-year warranty on the work performed by general contractors.

In response to Council Member Mounce, Mr. Sandelin stated that the locations of the maintenance activities are spread out along School Street and staff will coordinate with the Farmers Market and other downtown events. Staff hopes to complete the work before the rainy season.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Mounce, and Mayor Hitchcock
Noes: Council Members – Johnson
Absent: Council Members – None

E-7 "Adopt resolution authorizing the City Manager to execute contract with San Joaquin County Sheriff's Office for Alternative Work Program for general maintenance within the City Parks and Recreation Facilities and Public Works Street Division"

Council Member Hansen questioned who would be responsible for supervising the inmates that would be participating in this program and working in the City parks, to which George Bradley, Street Superintendent, responded that the supervision is entirely upon City staff and that the County Sheriff's office would provide training. Mr. Hansen requested information on the history of workers compensation injuries and other such problems.

Sergeant Chris Stevens, administrator of the San Joaquin County Sheriff's Alternative Work Program (AWP), clarified that those enrolled in the AWP are not inmates at the county jail; they are people who are providing community service in lieu of being incarcerated in the county jail. These are petty offenders, drunk drivers, and those charged with petty theft and minor drug charges. For every eight hour day that they work for a municipality or a 501c3 organization in the county, they receive credit for two days time served in jail. The average sentence is 30 days or less. In regard to the number of workers compensation claims, he stated that out of 70 sites in the county, four claims have been filed over the last two years and the majority was for a bona fide injury. The City of Lodi has set boundaries on who it will not accept in the program.

MOTION:

Council Member Hansen made a motion, Mounce second, to adopt Resolution No. 2006-140 authorizing the City Manager to execute a contract with the San Joaquin County Sheriff's Office for Alternative Work Program for general maintenance within the City Parks and Recreation Facilities and Public Works Street Division for the period July 1, 2006 through June 30, 2007.

DISCUSSION:

Mayor Pro Tempore Johnson added for the public's information that the contract states no persons convicted of sex offenses, weapons crimes in the last two years, drug offenses in the last ten years, child or spousal abuse, crimes of violence, or workers compensation fraud would be participating in this program. He expressed support for this program and was pleased to see that it is a joint venture of Parks and Recreation and Public Works.

PUBLIC COMMENTS:

- Mary Fonte believed this was a good program; however, she questioned if any employees would be laid off because of it and how much the program would cost.

  Mayor Hitchcock confirmed that no employees would be laid off as a result of this contract; however, it would help with maintenance that the City is otherwise unable to perform due to budget constraints.

  Mr. King added that the program is self supporting and that the participants pay for the costs involved. The only exposure is the workers compensation issue as the City is responsible for controlling and directing the workers; therefore, the contract includes language to address this issue should it become a problem.

VOTE:

The above motion carried by a unanimous vote.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Phil Pennino announced that the Lodi Salvation will be ringing the bell for its Christmas in July campaign and he encouraged people to volunteer for or donate toward the program. Bell ringers will be at Albertson's Apple Market, the post office, and in front of the movie theater. Mr. Pennino introduced Lieutenants Dan and Kim Williams who have taken over the leadership role at the Lodi Salvation Army. Lieutenant Dan has expertise in organization and financial management, and Lieutenant Kim brings expertise in running a shelter for men, women, and children.
- Lieutenant Dan and Kim Williams both expressed their excitement about locating in Lodi and in serving this community.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Hansen reported that he recently attended the American Public Power Association Policy Makers Council in Washington D.C., which is a group of individuals who advocate on behalf of public power. Each state has two to three representatives, and he is one of three from the State of California. During this meeting, members met with congressional representatives to discuss issues from a nationwide perspective, which included: monopolies by railroad companies that do not provide competitive bids for delivery of coal; climate change; municipal broadband involvement and telecommunications; Clean Energy Renewal Bond; and security costs, which is a new federal requirement post 9/11 that would establish a cost in protecting major hydro power plants from terrorist acts. It is evident that there will be additional costs to cities, and the members are attempting to introduce legislation that would place a cap on the costs in order for cities to budget appropriately. He reported that, if re-elected to

Council, he would not serve another term on the Policy Makers Council due to the demanding commitment, and he gave notice that he would not seek re-appointment to another four-year term.

- Council Member Mounce reported that next week she would be attending the League of California Cities Council Members Academy and Executive Forum. Highlights of the conference include youth commissions; information technology; water supplies and how they affect California; telecommunications; ethics training as required by law; financing for municipalities; and development in flood plains. She also reported that, on her own expense, she would be representing the City at the celebration of the National motto, which will be held at the conference center in Bakersfield. The event will highlight the 19 cities that have displayed the National motto, "In God We Trust."
- In response to Mayor Pro Tempore Johnson, Mr. Hansen confirmed that the security fee would be applicable to both municipal-owned and investor-owned utilities.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- Mr. King stated that the City of Lodi and the Boosters of Boys and Girls Sports Organization are hosting the Central California Babe Ruth Baseball Tournament for boys between the ages of 13 and 15 at Zupo Field this weekend. They are short of housing and are looking for host families. He encouraged anyone wanting to participate to call the Parks and Recreation Department at 333-6742.

I. PUBLIC HEARINGS

None.

J. COMMUNICATIONS

J-1 On recommendation of the City's contract administrator and Human Resources staff, the City Council, on motion of Council Member Hansen, Johnson second, unanimously rejected the following claims:

a) Amber L. Novak, date of loss 5/19/06
b) Bethsaida Bahena, date of loss 12/14/05
c) Janis Southard, date of loss 6/14/06

J-2 The following postings/appointments were made:

a) "Appointments to the Greater Lodi Area Youth Commission (Adult Advisors), Library Board of Trustees, Lodi Arts Commission, and Lodi Planning Commission"

Council Member Beckman stated that he would not support the appointment of Tim Mattheis to the Planning Commission due to his poor attendance at meetings throughout his previous service on the Commission. Current Commissioner, Dennis Haugan, has an exceptional attendance record, has attended extra-curricular study and planning sessions, and has done an outstanding job as a Commissioner in studying and preparing for the issues.

Mayor Hitchcock responded that Mr. Mattheis has attended Planners Institutes, has many years of experience in these matters, and is extremely knowledgeable and well-versed in the Lodi General Plan, which is a major issue about to be undertaken. She has spoken with Mr. Mattheis regarding his attendance, and he has guaranteed that he would attend every session. She believed him to be a professional and that he would do an outstanding job as a Commissioner.

Council Member Hansen pointed out that as mayor one of the few privileges is the ability to interview and recommend appointments to City boards and commission and for that reason he would support the recommendation.

Mayor Pro Tempore Johnson agreed that Mr. Mattheis' attendance was a concern and he hoped it would not be repeated.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Mounce, Hansen second, made the following appointment by the vote shown below:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Hitchcock
Noes: Council Members – Beckman
Absent: Council Members – None

Lodi Planning Commission
Tim Mattheis Term to expire June 30, 2010

MOTION #2 / VOTE:

The City Council, on motion of Council Member Mounce, Hansen second, unanimously made the following appointments:

Greater Lodi Area Youth Commission
Adult Advisors:
Elizabeth Mazzeo Term to expire May 31, 2009
Summer Pennino Term to expire May 31, 2009
Jeffrey Palmquist Term to expire May 31, 2009

Library Board of Trustees
Suga Moriwaki Term to expire June 30, 2009
Paula Albertson Term to expire June 30, 2009

Lodi Arts Commission
Jennifer Walth Term to expire July 1, 2009

J-3 Miscellaneous

a) Interim City Clerk Perrin presented the cumulative Monthly Protocol Account Report through June 30, 2006.

K. REGULAR CALENDAR

K-1 "Adopt resolution affirming July 1 opening and October 1 closing date for filing applications for residential allocations under the Lodi Growth Management Ordinance and direct staff to work with the development community to establish a new timeline for Council approval of various elements of development approvals"

City Attorney Schwabauer reported that new staff in Community Development recently discovered that the growth management allocation process was not being followed in accordance with Council adopted policy. Resolution 91-171 states that growth management allocation requests must be filed July 1 through October 1. Other deadlines set forth in the resolution include: November 1 – California Environmental Quality Act determination of completeness; December 1 – initial study; March 1 – draft Environmental Impact Report (EIR); April 15 – EIR comment period; and May 1 – final EIR. These dates were adopted at a time when Lodi did not prepare an EIR for housing developments because many were 40 to 100 units; however, most current developments are closer to 2,000 units and require an EIR.

Mr. King stated that past practice is that City staff has accepted May 31 as the deadline date for the submission of growth management allocations, which has been occurring for a number of years and is believed to be the correct date by the development community.

There is a reference to the May 31 date in the housing element; however, he did not believe that Council intended to change the date adopted in Resolution 91-171. Staff determined that no applications would be accepted until Council determined whether to follow past practice of accepting them until May 31 or to follow the adopted policy and accept them from July 1 to October 1. Many members of the development community have submitted applications in anticipation of meeting the traditional May 31 deadline. Mr. King highlighted the following three options:

- Option 1. Reaffirm the July 1 to October 1 deadline with the window of time open now to receive growth management allocation applications;
- Option 2. Direct staff to follow past practice, establish the May 31 deadline, and begin processing the applications that have been received; or
- Option 3. Establish a hybrid of setting forth the deadline of May 31, holding onto and not processing the applications that have been received until the October 1 deadline, but not accepting further applications.

Mr. King has discussed the hybrid theory with the development community, which seems to support the concept. The delay in processing the applications until October would take a burden off of staff in terms of the workload. He suggested that staff return to Council with revisions to the schedule of dates set forth in the resolution as they are no longer realistic. The May 31 date was a collaboration of the Community Development Department and the development community to allow processing to occur within a reasonable schedule; however, it was not brought to Council for codification.

Council Member Mounce questioned what the consequences were for the three options, to which Mr. King replied that under Option 1 the applications would be returned as they were filed prior to the deadline and he believed that most would resubmit during the filing period of July 1 through October 1. This would also give an opportunity for those who had not already submitted an application to do so. Under Option 2, staff would begin processing the applications; however, someone who was aware of the resolution filing dates could complain that they were denied an opportunity this year to apply for a growth allocation. The same would hold true for the hybrid idea, Option 3.

PUBLIC COMMENTS:

- Jeffrey Kirst, Tokay Development, stated that it has been public knowledge promoted by staff for many years that the last date to file is May 31 and everyone in the development community who knows this has filed their applications. Former Community Development staff worked with the development community to formulate a schedule that worked best in order for these projects to begin in April after the rain stopped. Due to this competitive process, he believed that the hybrid Option 3 was acceptable, which would also relieve the burden of an overloaded staff by postponing the processing of the applications.
- Kathy Haring stated that she and her husband are developing a small project in order to supplement their income and that delaying this to October would financially ruin them. All of the information that she could find and that staff provided pointed to the May 31 filing deadline, and she believed it was unfair to change the rules. She added that the growth management ordinance is very daunting on a small developer as her six condominium infill project is grouped together with the large developments, some of which require annexation. The housing element states that priority will be given to projects that do not impact resources greatly; however, she felt that the larger projects, which bring in higher sales and property tax revenues, receive greater attention and focus. She believed that the process was not competitive as the allocations have never been exhausted and have been carried over from year to year.

  In response to Council Member Hansen, Mr. Hatch explained that Ms. Haring's project would not require an EIR as it qualifies under a categorical exemption as an infill

project; however, most of the seven projects that have been submitted require environmental work and/or an EIR. Under the growth management allocation process, the projects are rated against each other and must go through the process together. Ms. Haring's project would be simple, but the others could take six to nine months until the allocations are awarded. He pointed out that processing the applications now, versus October, would affect several on-going projects including the greenbelt efforts, general plan update, pending development agreements, Delta College, and the community facilities district proposal.

Ms. Haring stated that she was not asking for an exception for her project and she encouraged Council to follow the policy that has been in place for many years. She further alleged that pending litigation by someone who did not make the May 31 cut off was the reason behind this change and added that she does not have the political power to threaten a lawsuit; however, she would participate in any class action suit if this action financially harmed her.

Council Member Beckman stated that she has paid her fees like every other developer and questioned if that money paid for staff, to which Mr. Hatch stated that the application processing fee is applied toward staff support; however, the remainder of the fees is impact fees, none of which is applied toward personnel costs. Mr. Beckman expressed support for adhering to the current practice and working toward resolving this issue for future years. This delay has cost the development community a month and a half and he was in support of the applications being reviewed now.

City Attorney Schwabauer stated that to his knowledge no one has approached the City threatening a lawsuit if the filing period was not opened up. The issue is that previous staff changed the policy, for which it did not have the authority to do, and the matter is now before Council for a determination.

- Dennis Bennett agreed that the development community believed that May 31 was the cutoff date and a great deal of energy, effort, and money has been spent to comply with that date. The hybrid solution would be acceptable; although, he strongly urged that staff begin the application review process for completeness prior to the October 1 deadline so that any problems may be appropriately handled.

  Council Member Hansen stated that he was not in favor of accepting more applications as it would greatly affect the staff workload.

  Council Member Beckman believed that the threat of litigation was minimal as the information pertaining to the July 1 to October 1 deadline was not easy to locate on one's own.

  Mr. Hatch stated that the resolution also establishes the point spread and priorities and is a readily available document that is used by engineers and applicants. Because of the discrepancy in dates, all applicants were informed of the issue and they chose to file to be consistent with the earliest date. He was unaware of any other potential projects.

- Ann Cerney questioned what month the annual accrual takes place.

  Mr. Schwabauer responded that it is an annual allocation and accrues on January 1; however, it is not handed out until the process is completed.

  Ms. Cerney stated that for a number of years the allocations were under-allocated. She questioned how many have accrued through 2006 and how many applications were requested by the seven developers as of May 31. Further, she requested information on when the impact fees are paid, where the fees go, and if money can be borrowed from the impact fees.

  Mr. King responded that through 2005 there were a total of 3,830 allocations: 1,715 single-family; 343 medium density; and 1,672 high density. He indicated that it was difficult to determine the number of applicants because there are still 2005 submittals

that have not yet received allocations and the number would not be exact until the process is complete.

Mr. Hatch estimated 2,000 units for the FCB project, 1,000 for the Reynolds Ranch project, and 1,000 for the seven applications. Developers have no intention of putting large 1,000 unit developments on the market in a one-year period and would instead meter them out as the market would absorb, which would still allow for allocations for future projects of a smaller size. The impact fees are paid at building permit issuance and accounted for appropriately into the capital accounts.

- Jeffrey Kirst pointed out that, if the filing period remains open until October 1, the City would very likely receive further submittals.

MOTION #1:

Council Member Beckman made a motion to adopt a resolution to affirm the past practice of May 31 closing date for filing applications for residential allocations under the Lodi Growth Management ordinance, and further directed staff to begin processing the applications that were received by May 31 and to return to Council with an amended policy prior to next year. The motion **died** for lack of a second.

MOTION #2:

Council Member Mounce made a motion, Beckman second, to adopt Resolution No. 2006-141 affirming the May 31 closing date for filing applications for residential allocations under the Lodi Growth Management ordinance, thereby not accepting further applications, and directed staff to begin processing the applications that were received by May 31 and to return to Council with a restructured resolution prior to next year.

DISCUSSION:

Mayor Hitchcock stated that she would not support this motion as she was in favor of the hybrid option.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Johnson, and Mounce
Noes: Council Members – Hansen and Mayor Hitchcock
Absent: Council Members – None

RECESS

At 9:25 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 9:38 p.m.

K. REGULAR CALENDAR (Continued)

K-2 "Provide direction regarding scheduling and type of action the Council may take at informal informational meetings referred to as "Shirtsleeve" City Council meetings" was ***pulled from the agenda pursuant to staff's request***.

K-3 "Review and discussion of current regulations pertaining to food vending vehicles"

With the aid of an overhead presentation (filed), Joseph Wood, Community Improvement Manager, provided an overview on the following:

Food vending vehicles

- Lunch wagons – 13 to 15 currently operate at permanent locations throughout Lodi.
- Push carts – 15 to 20 operate predominately on the east side.
- Produce sales – 5 to 10 locations from vehicles or front yards.

Itinerant Vendors

- 15 to 20 locations throughout Lodi that sell various merchandise including rugs, statuettes, flags, paintings, scarves, backpacks, and general craft work.
- 15 to 20 locations of flower and gift peddlers, which typically increases prior to Mother's Day and Valentine's Day along the streets, sidewalks, and at busy intersections.

The lunch wagon vendors create various nuisance issues including:

- Sanitation – the health code requires proper restroom facilities and food preparation.
- Hazardous electrical connections – many electrical hook ups are made from nearby light standards or buildings, which create a hazard for people walking or driving.
- Traffic and safety hazards – developed commercial sites are required to plan for traffic coming and going from the business.
- Conflicting uses – vendors often locate these commercial activities in a residentially zoned area, which detracts from the intended residential uses of the property. Complaints have been received about excessive gathering of people, noise, and traffic.
- Business license – many do not obtain the required business tax certificate and are not collecting the appropriate sales tax.

Currently, the existing zoning ordinance contains a regulation relating to enclosed building requirements, which states that business must be conducted within an enclosed building, with certain exceptions for car lots or service stations. This regulation would prohibit food vending vehicles. There are also zoning regulations dealing with parking, paving, drainage, and utilities. Additionally, Lodi Municipal Code Section 9.18 addresses vending from streets and sidewalks, which establishes restrictions on location (i.e. proximity to schools, intersections) and time spent in one location. The electrical code would address the electrical hazards and provide for permit requirements. Further, the San Joaquin County Environmental Health Department is available to respond to violations; however, there are scheduling issues that make it difficult to arrange for an immediate inspection of the violation. In this case, a coordinated joint inspection is typically arranged in order to address these issues. Staff is developing a new development code, which could contain language to deal specifically with itinerant vendor permits and regulate location, operations, design, and land use.

In 1999, the issue of revising Section 9.18 came before Council to cover vending from streets, sidewalks, and private property, which was subsequently not approved. This amendment would have provided a centralized enforcement tool for both Code Enforcement and the Police Department. Staff has been asked to do proactive enforcement and is looking for clarification from Council on whether the intention is to provide guidelines for these businesses to operate or to strictly prohibit them. Treated as a land use issue, the current zoning ordinance language would prohibit these operations, or the proposed development code could provide guidelines in allowing them to occur in a safe environment. Alternatively, Section 9.18 could be revised to provide regulation of vendor activities whether on private property or public right of way. The new administrative enforcement provisions would make enforcement much quicker and easier to resolve; however, the impact on the code enforcement priorities would diminish other enforcement efforts. Initial funding for this activity would be from the general fund; however, follow up, non-compliance, or abatements actions would be funded through cost recovery measures. Code enforcement is identified as an eligible activity under the Community Development Block Grant (CDBG) program for those locations within the low- to moderate-income target area, but the abatement portion would be ineligible.

Council Member Mounce stated that the City has the tools now to address this issue and questioned if it was a staffing issue that has prevented the enforcement, to which Mr. Wood responded that staff has not received clear direction in the past to prohibit this type of activity. When this matter was before Council in 1999, staff met with the vendors for input on formulating an ordinance that would address concerns regarding sanitation, traffic, and

health and safety, yet would still allow them to operate; however, it was not approved. Ms. Mounce was disappointed that this kind of activity is allowed to continue when there are regulations in place to address it.

Mayor Hitchcock recalled that Council direction in 1999 was for staff to return with an ordinance that would limit the amount of time in one location. She believed that the current regulations should be enforced as it was unfair to those businesses that pay for overhead, licensing, etc.

Mr. King stressed that it would be important for Council to articulate its current stand with regard to itinerant vendors in order for staff to have clear direction on the regulation and enforcement.

Mayor Pro Tempore Johnson questioned if the City could unilaterally ban legitimate food vending vehicles that have met its legal requirements (i.e. business tax certificate, county health certificate, does not violate time limits in one location, etc.), to which Mr. Schwabauer responded that he was researching the matter and would return to Council with an answer. Mr. Johnson expressed concern that there is presently an inadequate staffing level to enforce this and that creating a new ordinance would not change that situation; in fact, it would place an additional burden on the current priorities. He did not want to see legitimate food vendors prohibited; however, he was in favor of prohibiting itinerant vendors who sell flags, blankets, etc.

Mayor Hitchcock requested further information be provided to Council on how many cities use CDBG money to pay for enforcement, to which Mayor Pro Tempore Johnson expressed concern about further committing CDBG funds.

Council Member Beckman believed that legitimate food vendors would be allowed provided they remain in one location for no more than 20 minutes and he stated that would be the only type of itinerant licensing he would support; otherwise, all others should be banned. Council Member Mounce was not opposed to legitimately licensed vendors and supported the 20-minute time restriction. She requested that any joint coordinated enforcement effort with the health department include an entire street, not just the location in violation, to which Mr. Wood replied in the affirmative.

Mr. Wood stated that, if it is Council's intention to proceed under current language, these businesses would be prohibited from operating. Staff does not have an issue with lunch trucks that show up at a construction site, provide lunch, and then leaves to another location.

Council Member Hansen stressed that, if Council is going to debate this issue again, those affected need to be noticed in order to have an opportunity to participate and express their points of view. He believed that this has not been aggressively enforced due to the staffing level and the fact that there has not been clear direction in the past.

Council Member Mounce questioned how the operators would be noticed if they do not have a business license and are operating illegally in the City, to which Mr. Wood replied that staff would post notices at the known locations. He pointed out that not all of the locations are operating without business licenses or appropriate health permits. Mr. Hansen suggested it also be published in the Lodi News Sentinel.

PUBLIC COMMENTS:

- David Nielsen stated that those working in the food industry are required to obtain a food handling certificate and he wondered whether or not operators of food vending vehicles have them. He has witnessed gang activity, littering, urination, and other issues occurring at these locations and he was very concerned about their sanitation practices. He suggested that, if not banned entirely, these businesses be restricted to heavy industrial areas.

Council Member Mounce stated she would support any redesigned ordinance that would eliminate or remove mobile vendors from residential neighborhoods and expressed interest in pursuing the idea of limiting them to the industrial areas. She requested that the vendors on Cherokee Lane be addressed when this issue returns to Council.

Council Member Hansen stated that, if Council is going to revisit this issue, it should consider all itinerant vendors, not only lunch wagons.

Following discussion, Mr. Wood reiterated that enforcing current language would mean a strict ban on vendors. If Council preferred they operate under clear guidelines, then staff would return with a revised ordinance or proposed development code to address vending on private property and public right of way.

Community Development Director Hatch recounted that a similar ordinance was prepared in Ceres that banned itinerant vendors; however, issues arose regarding non-profit organizations selling items in front of grocery stores. In that case, an exception was carved out for non-profit organizations, which were required to obtain a staff administrative permit.

Council Member Mounce requested clarification if the current ordinance would allow for lunch trucks to stop for 20 minutes and then move along, to which Mr. Wood replied that staff would not apply this standard to vendors who temporarily set up; it would be applied to the vendors at permanent locations.

Mayor Hitchcock requested clarification if the current ordinance allows them on private property with no time limit as long as they meet state health guidelines. Mr. Wood stated that current zoning regulations state that business must be conducted in an enclosed building and enforcing that makes it a prohibition for the permanent locations. Staff has made note of these locations and letters have been prepared in the event Council chooses to move in this direction.
Mr. King stated that there are mobile businesses that are operating as a permanent business in clear violation of the code, and staff is suggesting that it begin enforcing those as zoning violations. This would include vendors that run electrical cords from the business, set up picnic tables, are located over parking stalls assigned to a particular business, etc. There are a variety of other issues and nuances that would require a certain amount of judgment among code enforcement. Staff will return to Council with the issues mentioned in relation to the zoning ordinance and will appropriately notify affected parties.

Mayor Hitchcock questioned if anyone on Council disagreed with this approach, to which Council Member Hansen replied in the affirmative.

Mayor Pro Tempore Johnson requested that the issue relating to mobile automobile dealerships be included in the discussion when it comes back before Council.

MOTION / VOTE:

There was no Council action taken on this matter.

K-4 "Introduce ordinance amending Lodi Municipal Code Title 5 – Permits and Regulations – Chapter 5.40, "Adult-Oriented Businesses," by repealing and reenacting Section 5.40.020, "Location of Adult-Oriented Businesses," to add "Residentially-Zoned Property" to the list of land uses subject to distance regulations regarding the location of adult-oriented businesses; and repealing and reenacting Section 5.40.400(D)(1) to delete the requirement that employees of adult-oriented business be fingerprinted as part of the employee license process"

City Attorney Schwabauer reported that the proposed ordinance adds residentially-zoned properties to the list of properties that would be subject to distance regulations for adult-oriented businesses. In addition, the ordinance eliminates the requirement that employees of adult-oriented businesses must be fingerprinted, which was part of a settlement agreement that was inadvertently left in the ordinance.

MOTION:

Council Member Beckman made a motion, Mounce second, to introduce Ordinance No. 1781 amending Lodi Municipal Code Title 5 – Permits and Regulations – Chapter 5.40, "Adult-Oriented Businesses," by repealing and reenacting Section 5.40.020, "Location of Adult-Oriented Businesses," to add "Residentially-Zoned Property" to the list of land uses subject to distance regulations regarding the location of adult-oriented businesses; and repealing and reenacting Section 5.40.400(D)(1) to delete the requirement that employees of adult-oriented business be fingerprinted as part of the employee license process.

PUBLIC COMMENTS:

- Steve Jarrett questioned what the consequences would be if the fingerprint requirement were not deleted from the ordinance.

  Mr. Schwabauer responded that the City would be in violation of the settlement agreement, which would obligate the City to pay for attorney fees associated with the litigation.

  Mr. Jarrett stated that the previous City Attorney believed this ordinance was completely defensible when the issue of first amendment rights were raised; however, two years later it was challenged, and the City Attorney stated it was not defensible. He pointed out that there are stricter requirements to become a cab driver and a masseuse, yet employees of adult businesses have less stringent licensing requirements. He urged Council to not eliminate the fingerprint provision from the ordinance.

  Mayor Hitchcock recalled that the City settled this matter, due to a Supreme Court ruling, in order to avoid steep legal fees and she was not in favor of fighting a suit the City would not win.

  Council Member Hansen recalled that this suit cost the City $100,000 in attorney fees.

  Mr. Schwabauer explained that the type of dancing in adult-oriented businesses is a first amendment protected activity as expressive speech, as the other businesses pointed out are not.

VOTE:

The above motion carried by a unanimous vote.

K-5 "Introduce ordinance amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.39, "C-2 General Commercial District," and Chapter 17.42, "C-M Commercial-Light Industrial District," to add card rooms as a permitted use, with a use permit, in both the C-2 and C-M zoning districts"

City Attorney Schwabauer reported that this ordinance would require a conditional use permit for cardrooms and require that these businesses be located in either a C-2, General Commercial District, or C-M, Commercial-Light Industrial District.

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Hansen second, unanimously introduced Ordinance No. 1782 amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.39, "C-2 General Commercial District," and Chapter 17.42, "C-M Commercial-Light Industrial District," to add card rooms as a permitted use, with a use permit, in both the C-2 and C-M zoning districts.

K-6 "Adopt resolution approving a line of credit with Farmers and Merchants Bank for the Lodi Electric Utility ($3,000,000)"

Deputy City Manager Krueger reminded Council that the Fitch rating agency recently expressed concern over the Electric Utility's thin level of liquidity, and this line of credit would work to avoid a negative rating action. The line of credit would only be used if absolutely needed, and staff does not anticipating using it. The maximum amount available is $3 million, and the term expires on June 30, 2007. There are no fees for the line of credit; however, there are minimal costs for attorney fees for drawing up the agreement and resolution. The interest rate is short term and based upon use of the line of credit. The secured option would use a certificate of deposit (CD) as collateral, the rate for which is 1.35% above the interest rate on the earnings of the CD. The unsecured option would be 1.5% above the current London Inter-Bank Rate (LIBR). The City would only pay interest on the amount of the line of credit used.

Mayor Pro Tempore Johnson questioned why the City switched from using land as collateral to a CD when the City is cash poor. The conditions in the agreement state that the City is pledging all unrestricted revenues of the borrower including all taxes, income, revenue, cash received, and other monies of the borrower. If the City drops below a BBB- rating, the bank will terminate all advances and demand the outstanding balance of the line of credit to be paid immediately. This puts the City's limited cash in jeopardy.

Mr. Krueger replied that the City had two options regarding the use of the surplus property: 1) sell the property and infuse the cash into the Electric Utility, which is still an option, or 2) use the property as collateral. F&M Bank requested the City use an outside attorney to provide an opinion on this matter, which was that the City is prevented from using property as collateral due to the fact that this is a short-term loan. If there were a foreclosure on the loan, the disposal of the property would be encumbered, and it did not seem appropriate to do this particularly since the City does not intend to use the line of credit. The City could have pursued long-term borrowing; however, it would have paid interest from the inception of the loan. In regard to using cash, the City has an amount invested with the Local Agency Investment Fund (LAIF) at the State of California. If the City were to utilize the line of credit, it would move some of the money from the LAIF into the CD. Another option would be to loan funds to Electric Utility from other City funds; however, the downside is that the Fitch rating agency anticipates rating the other funds in the near future, and the inter-fund borrowing would not bode well.

Council Member Mounce expressed concern on apparent errors in the "blue sheet" presented by staff, which does not clearly reflect the interest rate, and she was concerned that the City could wind up paying a high rate.

In response to Mayor Hitchcock, Mr. Krueger stated that, if this action is not taken, the City may suffer a downgrade in its rating. If this were that happen, there are provisions in the various swap agreements that would require the City to pay back the dollar amounts over a short period of time. Additionally, the Northern California Power Agency would be affected as it relates to counterparties from which it purchases energy.

Mr. King added that the alternatives to the line of credit would be an immediate rate increase or long-term borrowing, which is not being recommended. The Fitch rating agency is expecting the City to have a line of credit by the first of the year.

PUBLIC COMMENTS:

- Kent Steinwert, President of F&M Bank, stated that this agreement was set up in a manner that was most advantageous for the City, which includes the two options of secured versus unsecured. If the City chooses to secure it, the bank would not require the CD to be deposited with the bank until the money is needed. He stated that the

structured costs are far less than it would be to go to the capital markets and there are no fees, with the exception of the legal fees for which the bank would be reimbursed.

In response to Council Member Hansen, Mr. Steinwert stated that the City would only pay interest if it borrowed the money. If the City went with the secured rate, it would be 1.35% above the rate being earned on the CD, which is a fixed and locked in rate. The unsecured rate would be 1.5% above the market rate, which could fluctuate and become more expensive over time.

- Ann Cerney questioned if there was data available on how much has been raised as a result of the utility rate increase and what affect it has had on the consumption rate. She believed there were no assurances that Fitch would not reduce the City's rating if this line of credit were established.

  George Morrow, Electric Utility Director, stated that staff has been closely monitoring the revenues and tracking the projections. There was an increase in conservation efforts during the time the rate increase was discussed; however, since the rates were implemented, the Utility has hit its target almost every month. This action would show positive movement to the rating agency. Other positive factors include how the Utility performed during fiscal year end as it appears the cash projection will be higher than the anticipated $1.7 million and the fact that it is in the black.

MOTION:

Mayor Pro Tempore Johnson made a motion, Hansen second, to adopt Resolution No. 2006-142 approving a line of credit with Farmers and Merchants Bank for the Lodi Electric Utility in the amount of $3,000,000.

DISCUSSION:

Council Member Mounce stated that she would not support this motion due to the errors in the documentation. Mr. Krueger responded that the documentation would be corrected relating to Exhibits A and B and the interest rate language.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock
Noes: Council Members – Mounce
Absent: Council Members – None

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Council Member Beckman, Hansen second, unanimously voted to hear only Item K-7 following the 11:00 p.m. hour.

RECESS

At 11:22 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 11:26 p.m.

K. REGULAR CALENDAR (Continued)

K-7 "Adopt separate resolutions approving water supply assessment reports for Reynolds Ranch Project and Westside-Southwest Gateway Project"

Wally Sandelin, City Engineer, reported that this request is a requirement of SB 610 as the City of Lodi is the water agency serving the Reynolds Ranch and Westside-Southwest Gateway projects. The water supply assessment reports document that sufficient water supply is available to serve both projects; however, this action would not grant any entitlements to the project as that action would occur later in the process. The projects are accounted for in the 2005 Urban Water Management Plan adopted previously by Council.

The groundwater supply safe yield has been determined at 15,000 acre feet per year. There are supplemental safe yield components associated with the aerial spatial relationship of these projects to the underlying groundwater safe yield. In the existing community, the number is 2 acre feet per acre per year, and staff has assumed 1.7 acre feet per acre per year. The Woodbridge Irrigation District (WID) surface water supply is 6,000 acre feet and, through metering and other conservation measures, an additional 2,500 acre feet per year of conservation would be achieved. A total supply available to the City in the future, which would be a snapshot build out of all of the projects, is 24,600 acre feet per year. The existing demands of the City are 17,011 acre feet, and the projected demands of the Reynolds Ranch project and the Westside-Southwest Gateway project are 501 and 887 acre feet per year, respectively. There is a vacant land line item, which represents the demand that will be exerted on the groundwater supply through build out of the remaining land in the General Plan. That would include all of the land inside the General Plan area, north of Harney Lane; therefore, the total of future water supply requirement would be 19,800 acre feet per year, which results in a surplus of 4,800 acre feet per year. The data presented in the reports substantiate that there is sufficient water supplies to serve both projects, as well as some amount of future development, into the 20-year planning horizon.

In response to Mayor Hitchcock, Mr. Sandelin stated that SB 610 sets a planning horizon of 20 years into the future. The 6,000 acre feet per year purchased from WID is a 40-year contract and is allowed to be included. The City's commitment toward conservation and metering can be counted, as it is the Council's intention to complete a metering program within the next 20 years.

PUBLIC COMMENTS:

- Ann Cerney believed that the data did not support the recommendation. The development projects are significant and will continue out 20 to 30 years; however, the General Plan only looks out 10 to 15 years. The other issues of uncertainty are the 6,000 feet of WID water and the fact that the groundwater basin is not adjudicated.

In response to Council Member Hansen, Mr. Sandelin confirmed that there will be a secondary action by Council, which would deal with the implementation of bringing the water supply to the projects.

MOTION #1:

Council Member Hansen made a motion, Beckman second, to adopt Resolution No. 2006-143 approving Water Supply Assessment Report for Reynolds Ranch Project.

Council Member Mounce questioned who might challenge this document and how it could be overturned, to which Mr. Hatch answered that any challenge would be associated with the Environmental Impact Report (EIR) and development approvals for each of the projects. The action on the water supply assessment reports is required by state law as a precursor to approval of an EIR or development plan.

Mayor Hitchcock stated that she would be voting against this project as it is not currently in the General Plan.

Council Member Mounce believed the numbers did not substantiate the availability of water and stated that she would not support the reports.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, and Johnson
Noes: Council Members – Mounce and Mayor Hitchcock
Absent: Council Members – None

MOTION #2 / VOTE:

The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, adopted Resolution No. 2006-144 approving Water Supply Assessment Report for Westside-Southwest Gateway Project. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mayor Hitchcock
Noes: Council Members – Mounce
Absent: Council Members – None

K-8 "Request City Council set date for joint City Council and Planning Commission kick-off meeting for General Plan update" was ***pulled from the agenda pursuant to the above vote***.

K-9 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program Litigation and various other cases being handled by outside counsel ($150,395.24)" was ***pulled from the agenda pursuant to the above vote***.

L. ORDINANCES

None.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:44 p.m.

ATTEST:

Jennifer M. Perrin
Interim City Clerk

CITY OF LODI
INFORMAL INFORMATIONAL MEETING
"SHIRTSLEEVE" SESSION
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, AUGUST 22, 2006

The August 22, 2006, Informal Informational Meeting (“Shirtsleeve” Session) of the Lodi City Council was canceled.

ATTEST:

Jennifer M. Perrin
Interim City Clerk

LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
FRIDAY, AUGUST 25, 2006

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of August 25, 2006, was called to order by Mayor Hitchcock at 9:00 a.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: None

B. CLOSED SESSION

At 9:00 a.m., Mayor Hitchcock adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

B-1 Public employment – Council Appointee – job title, City Clerk; pursuant to Government Code §54957

The Closed Session adjourned at 1:30 p.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 1:30 p.m., Mayor Hitchcock reconvened the Special City Council meeting and disclosed that no reportable action was taken in closed session.

D. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 1:30 p.m.

ATTEST:

Jennifer M. Perrin
Interim City Clerk

AGENDA ITEM **E-3**

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Approve Specifications and Authorize Advertisement for Bids for Traffic Signal Preventive Maintenance and Repair Program, Fiscal Year 2006/07**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That the City Council approve the specifications for the above project and authorize advertisement for bids.

BACKGROUND INFORMATION: The project includes providing preventive maintenance and repair services for the forty-seven City-maintained traffic signal and lighting systems. The specifications require the contractor to provide signal maintenance inspections at 120-day intervals and annually test the traffic monitors.

Currently, a City electrician repairs the traffic signal systems. However, he is unable to provide the ongoing preventive maintenance, due to the number of systems he maintains and other duties. The preventive maintenance is intended to ensure the traffic signal systems are reliable and reduce both equipment failures and the City's exposure to liability claims. The specifications are on file in the Public Works Department.

For the first time, in FY 2005/06, the Public Works Department pared down the maintenance program to 120-day inspections. The current maintenance contract ends in mid-October 2006. Most agencies provide 90-day maintenance inspections due to the complexity of today's signal equipment. However, we did not experience any problems with the reduced number of inspections. The estimated cost difference between 90-day and 120-day inspections is $6,000. The program was successful, and for each inspection, the contractor provided a list of items for repair that were subsequently performed by the City's electricians. Staff recommends continuing inspections of the traffic signal equipment at 120-day intervals.

Since June 2006, the Public Works Department has been operating with one electrician. Typically, two electricians share the signal maintenance work. At the Council meeting to award the project, staff will include appropriating additional funds for unforeseen repairs if the City's electrician is unable to perform all the work. The project specifications include a bid item for unscheduled repair work. At this time, we have not determined if we will be filling the electrician vacancy or restructuring how we provide electrical maintenance.

In addition, with the award, staff will recommend the City Manager be authorized to extend the contract for one year if it is mutually agreed upon by both parties and advantageous to the City.

FISCAL IMPACT: Staff will annually request funding for this program.

FUNDING AVAILABLE: Funds have been approved in the 2006/07 Financial Plan and Budget.
Project Estimate: $40,000
Planned Bid Opening Date: September 27, 2006

_____
Richard C. Prima, Jr.
Public Works Director

Prepared by Paula Fernandez, Senior Traffic Engineer
RCP/PJF/pmf

cc: City Attorney
City Engineer
Purchasing Officer
Street Superintendent
Assistant Street Superintendent
Technical Services Manager Kerekes
Senior Traffic Engineer

APPROVED: _____
Blair King, City Manager

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Adopt Resolution Rejecting all Bids for the Turner Road Underpass Pump Station Modifications Project**

MEETING DATE: **September 6, 2005**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That the City Council adopt a resolution rejecting all bids for the above project.

BACKGROUND INFORMATION: This project consists of installing a new access hatch for the storm drain pump station that serves the Turner Road Underpass. The aging pumps and piping have reached their usable life and are in need of replacement.

Plans and specifications for this project were originally approved on August 3, 2005, and bids were opened on September 14, 2005. The three bids received were significantly higher than anticipated, so on October 5, 2005, Council rejected those bids and authorized advertisement for rebidding the project in Spring 2006. The City received the following bid for this project on July 19, 2006.

Bidder	Location	Bid
Engineer's Estimate		$ 60,020.00
Richard Townsend Construction	Oakdale	$ 99,790.50

The one bid received is still significantly higher than anticipated, and staff feels it would be more economical to complete the work using City forces. The Engineer's Estimate is $60,020 if the work is performed by an outside contractor; however, staff expects Public Works crews will be able to provide the labor and materials on this project for less than the currently budgeted amount of $50,000.

FISCAL IMPACT: This project will reduce maintenance costs by replacing storm pumps that have reached their usable life and also reduces liability associated with the risk of roadway flooding.

FUNDING AVAILABLE: The project is currently budgeted with $50,000 available in Account No. 171038 (Turner Road Pump Station). Staff requests no additional funding at this time.

Project Estimate: Less than $50,000 (with Public Works staff performing the work)
Budgeted: 05/06 Fiscal Year

_____
Ruby Paiste, Financial Services Manager

_____
Richard C. Prima, Jr.
Public Works Director

Prepared by Charlie Swimley, Senior Civil Engineer
RCP/CS/pmf
cc: Street Superintendent
Assistant Street Superintendent
Senior Civil Engineer Fujitani
Senior Engineering Technician Gaither
City Engineer
Senior Traffic Engineer

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-____

A RESOLUTION OF THE LODI CITY COUNCIL REJECTING ALL BIDS FOR THE TURNER ROAD UNDERPASS PUMP STATION MODIFICATIONS PROJECT

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WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on July 19, 2006, at 11:00 a.m. for the Turner Road Underpass Pump Station Modifications Project, described in the specifications therefore approved by the City Council on October 5, 2005; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

Bidder	**Location**	**Bid**
Engineer's Estimate		**$ 60,020.00**
Richard Townsend Construction	Oakdale	$ 99,790.50

WHEREAS, staff recommends rejecting the sole bid received from Richard Townsend Construction and complete the work utilizing Public Works crews.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby rejects the sole bid for the Turner Road Underpass Pump Station Modifications Project.

Dated: September 6, 2006

==========

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-____

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt a resolution authorizing the non-competitive purchase of a Jacobsen Model HR 9016 High Production Rotary Mower ($82,293.43) and a Kubota 90 HP Engine Retro Fit Kit ($19,845.16), which includes $5,000 for installation, from H.V. Carter Company, Inc. of Sacramento for the Parks Division (PR)

MEETING DATE: September 6, 2006

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the sole-source purchase of a Jacobsen Model HR 9016 High Production Rotary Mower ($82,293.43) and a Kubota 90 HP Engine Retro Fit Kit ($19,845.16), which includes $5,000 for installation, from H.V. Carter Company, Inc. of Sacramento for the Parks Division.

BACKGROUND INFORMATION: In May 2000, the Parks Division purchased a 1999 HR 9016 (16' mower) which became the front line mower for the division. This mower is used five days a week and has over 5200 hours of service. This piece of equipment meets the criteria for replacement under the Fleet Policy and Procedure.

The 1999 model is equipped with an Italian Detroit engine which has had the same reoccurring mechanical problem the past two years. Repair parts are difficult to obtain and expensive. To date, the Parks Division has spent $28,467 for repairs with the majority occurring the past two years. In mid-July, the same mechanical problem occurred (a cracked head) and the mower has been out of service. The Parks Division has had mowers on loan from various sources in order to attempt maintaining the mow schedule.

Staff has extensively reviewed options and has determined that due to the age and hours of service the mower needs replacement. Two commercial mowers are available. The Jacobsen HR 9016 was determined to be superior over the Toro 580D due to the hydrostatic drive that eliminates belts and pulleys thus reducing downtime and repair costs. The Jacobsen has also changed the 9016 engine to a Kubota turbo diesel which is a major improvement over the Italian Detroit engine and is a better engine than is currently offered in the Toro 580D.

In addition to replacing the front line mower, staff recommends replacing the engine of the HR 9016 with a Kubota 90 HP Engine Retro Fit Kit to allow that mower to become the backup piece of equipment. The Parks Division's current backup mower, a Toro 580D, is over 12 years old and meets the secondary equipment replacement criteria of the Fleet Policy and Procedures.

APPROVED: _____
Blair King, City Manager

Lodi Municipal Code 3.20.070 allows the dispensing of bids when City Council determines it is the best method of purchase. Staff recommends the non-competitive purchase of a Jacobsen Model HR 9016 high production rotary mower and a Kubota 90 HP engine retro fit kit. Staff also recommends the authorization of an additional $5,000 for installation of the retro fit kit.

FISCAL IMPACT: To keep the current Jacobsen 9016 mower operational as a front line mower, staff estimates it will need approximately $21,000 in repairs immediately to get this piece of equipment back in the parks. This does not address the continuing engine problem that has occurred three times to date. Because of the age, use and demands of this piece of equipment, repair costs and downtime will continue to increase.

Replacing the backup mower with the retro fitted Jacobsen 9016 will provide a more reliable mower fleet for the Division.

FUNDING AVAILABLE: Appropriate funds from the Park Impact Fee account $102,138.59

_____
Ruby Paiste, Financial Services Manager

_____
Tony C. Goehring
Parks and Recreation Director

Prepared by Susan Bjork, Management Analyst

TCG:SB:tl

cc: City Attorney
Steve Dutra, Park Superintendent
Joel Harris, Purchasing Officer
Larry Moore, Welder/Mechanic

RESOLUTION NO. 2006-____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE NON-COMPETITIVE PURCHASE OF A JACOBSEN MODEL HR 9016 HIGH PRODUCTION ROTARY MOWER AND A KUBOTA 90 HP ENGINE RETRO FIT KIT FOR THE PARKS DIVISION

==========

WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, in May 2000, the Parks Division purchased a 1999 HR 9016 (16' mower) which became the front line mower for the division, and has been used five days a week and has over 5200 hours of service. This piece of equipment meets the criteria for replacement under the Fleet Policy and Procedure; and

WHEREAS, the 1999 model is equipped with an Italian Detroit engine which has had the same reoccurring mechanical problem the past two years. Repair parts are difficult to obtain and expensive and to date, the Parks Division has spent $28,467 for repairs with the majority occurring the past two years; and

WHEREAS, in mid-July, the same mechanical problem occurred (a cracked head) and has been out of service, and the Parks Division has had mowers on loan from various sources in order to attempt maintaining the mow schedule; and

WHEREAS, staff has extensively reviewed options and has determined that due to the age and hours of service the mower needs replacement; and

WHEREAS, staff found two commercial mowers available, the Jacobsen HR 9016 was determined to be superior over the Toro 580D due to the hydrostatic drive that eliminates belts and pulleys thus reducing downtime and repair costs. The Jacobsen has also changed the 9016 engine to a Kubota turbo diesel which is a major improvement over the Italian Detroit engine and is a better engine than is currently offered in the Toro 580D; and

WHEREAS, in addition to replacing the front line mower, staff recommends replacing the engine of the HR 9016 with a Kubota 90 HP Engine Retro Fit Kit to allow that mower to become the backup piece of equipment. The Parks Division's current backup mower, a Toro 580D, is over 12 years old and meets the secondary equipment replacement criteria of the Fleet Policy and Procedures.

WHEREAS, staff recommends the non-competitive purchase of a Jacobsen Model HR 9016 high production rotary mower ($82,293.43) and a Kubota 90 HP engine retro fit kit ($19,845.16 (which includes $5,000 for installation).

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the non-competitive purchase of a Jacobsen Model HR 9016 high production rotary mower in the amount of $82,293.43, and a Kubota 90 HP engine retro fit kit in the amount of

$19,845.16, which includes installation from H. V. Carter Company, Inc., of Sacramento, California.

Dated: September 6, 2006
==========

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-____

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Adopt Resolution Awarding Contract for Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard, to George Reed, Inc., of Lodi ($548,430) and Approving Contract Change Order No. 1 ($88,940)**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That the City Council adopt a resolution awarding the contract for the above project to George Reed, Inc., of Lodi, in the amount of $548,430 and approve Contract Change Order No. 1 for $88,944 for a total contract price of $637,374.

BACKGROUND INFORMATION: This project includes furnishing and installing approximately 6,500 tons of asphalt concrete, pavement fabric, thermoplastic pavement striping and markings, traffic signal detector loops, adjustment of utility frames and covers to grade, and other incidental and related work, all as shown on the plans and specifications for the above project.

In anticipation of high asphalt prices, this project was scaled back to fit within available funds. Due to lower than anticipated asphalt prices, we recommend returning the project to its original scope. The overlay project would then be completed to Harney Lane instead of stopping 1,000 feet south of Century Boulevard, as shown in the plans. San Joaquin Council of Governments has requested that we award the project with the additional work identified as Contract Change Order No. 1 (attached).

Plans and specifications for this project were approved on July 5, 2006. The City received the following three bids for this project on August 9, 2006.

Bidder	Location	Bid
Engineer's Estimate		$ 667,495.00
George Reed, Inc.	Lodi	$ 548,430.00
Granite Construction Company	Watsonville	$ 631,985.00
Martin Brothers Construction	Sacramento	$ 891,344.45

FISCAL IMPACT: In the near term, maintenance costs will be reduced. As the pavement ages, pavement maintenance steps will be initiated.

FUNDING AVAILABLE: The money for this project has been fully funded through the State Transportation Improvement Program (STIP).

Project estimate, including contingency: $741,000
Budgeted: 06/07 fiscal year

_____
Ruby Paiste, Financial Services Manager

_____
Richard C. Prima, Jr.
Public Works Director

Prepared by Mark J. Lindseth, Associate Civil Engineer
RCP/MJL/pmf
Attachment
cc: City Attorney Purchasing Officer Street Superintendent

APPROVED: _____
Blair King, City Manager

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CONTRACT CHANGE ORDER NO. 1

Date August 22, 2006
Account No.

PROJECT: Stockton Street Asphalt Concrete Resurfacing
Kettleman Lane to 1000 feet South of Century Boulevard

CONTRACTOR: George Reed, Inc.

You are directed to make the following changes or do the following work not included in the Plans and Specifications on this contract.

Description of work to be done, estimate of quantities, and prices to be paid. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time.

1. Perform the additional work necessary to place a 0.15 foot asphalt concrete overlay from 1000 feet south of Century Boulevard to Harney Lane. Work to include 3 foot edge grind along existing gutters, adjusting existing manholes, water valves, and survey monuments to grade, furnishing and placing pavement fabric, removal of existing striping and markers, temporary striping, placement of thermoplastic striping, placement of reflective pavement markers, traffic control, and construction notification. This contract change order shall include full compensation for furnishing all labor, materials, tools, equipment and other incidentals necessary for doing all of the above described work. Work to be done per the plans and specifications for the "Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 feet South of Century Boulevard" project.

This contract change order price is based on the following unit prices and estimated quantities. The final change order price will be determined based on the actual quantities of work done in the field.

ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	AMOUNT
1	LS	LS	Traffic Control	$ 4,500.00	$ 4,500.00
2	11	EA	Adjust Manhole F&C	$ 300.00	$ 3,300.00
3	14	EA	Adjust WV F&C	$ 300.00	$ 4,200.00
4	4	EA	Adjust Survey Mon. F&C	$ 300.00	$ 1,200.00
5	2668	LF	Edge Grind 0.15 ft x 3 ft wide	$ 2.00	$ 5,336.00
6	890	TON	Asphalt concrete	$ 61.00	$54,229.00
7	5336	SY	Pavement Fabric	$ 1.50	$ 8,004.00
8	LS	LS	Remove Striping	$ 2,700.00	$ 2,700.00
9	LS	LS	Temporary Striping	$ 650.00	$ 650.00
10	LS	LS	Thermoplastic Striping/legends	$ 3,500.00	$ 3,500.00
11	145	EA	Reflective Markers	$ 725.00	$ 725.00
12	LS	LS	Construction Notification	$ 600.00	$ 600.00
			TOTAL		$88,944.00

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CONTRACT CHANGE ORDER NO. 1

Sheet 2 of 2
Date August 22, 2006
Account No.

PROJECT: Stockton Street Asphalt Concrete Resurfacing
Kettleman Lane to 1000 feet South of Century Boulevard

CONTRACTOR: George Reed, Inc.

-		PERCENT OF CONTRACT
Original Contract Price	$ 548,430.00	
Total Cost of This Change Order NOT TO EXCEED	$ 88,944.00	16.2%
Previous Change Orders	$ 0.00	
Total Cost of All Change Orders to Date	$ 88,944.00	16.2%
Contract Price, Including All Change Orders, Will Be:	$ 637,374.00	

Time of completion will be adjusted as follows: Add eight working days

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Submitted By_____Date_____
Approval Recommended_____Date_____
Approved, Public Works Director_____Date_____
Approved, City Manager (Per Public Works Policies and Procedures, Administration 4.1)
_____Date_____

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date_____ Contractor_____

By_____ Title_____

If the contractor does not sign acceptance of this order, the contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.

RESOLUTION NO. 2006-____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE CONTRACT FOR STOCKTON STREET ASPHALT CONCRETE RESURFACING, KETTLEMAN LANE TO 1,000 FEET SOUTH OF CENTURY BOULEVARD AND FURTHER APPROVING CONTRACT CHANGE ORDER NO. 1

==========

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on August 9, 2006, at 11:00 a.m. for Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard, described in the specifications therefore approved by the City Council on July 5, 2006; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

Bidder	**Location**	**Bid**
Engineer's Estimate		**$667,495.00**
George Reed, Inc.	Lodi	$548,430.00
Granite Construction Company	Watsonville	$631,985.00
Martin Brothers Construction	Sacramento	$891,344.45

WHEREAS, the City Manager recommends award of the bid for Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard, be made to the low bidder, George Reed, Inc., of Lodi, California, in the amount of $548,430.00; and

WHEREAS, the City Manager further recommends approval of Contract Change Order No. 1 in the amount of $88,944.00.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the bid for Stockton Street Asphalt Concrete Resurfacing, Kettleman Lane to 1,000 Feet South of Century Boulevard, be made to the low bidder, George Reed, Inc., of Lodi, California, in the amount of $548,430.00; and

BE IT FURTHER RESOLVED that the City Council hereby approves Contract Change Order No. 1 in the amount of $88,944.00.

Dated: September 6, 2006

==========

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-____

AGENDA ITEM **E-7**

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Accept improvements under contract for Peterson Park "West" Playground, at 199 Evergreen Drive (PR)

MEETING DATE: September 6, 2006

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council accept the playground improvements under contract for Peterson Park "West" Playground, at 199 Evergreen Drive.

BACKGROUND INFORMATION: The project was awarded to AM Stephens Construction, of Lodi on May 3, 2006, in the amount of $86,978.00. The contract has been completed in substantial conformance with the plans and specifications approved by City Council at their May 3, 2006, meeting. The contract completion date was August 25, 2006.

Following acceptance by the City Council, as required by law, the City Engineer will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

FISCAL IMPACT: There is no direct impact to the Parks and Recreation Department budget for the installation of the new playground equipment and safety surfacing. The 2000 Park Bond Act Per Capita Grant program supported the installation of this project in its entirety.

FUNDING: 2000 Park Bond Act Per Capita Grant Allocation: $135,300.00

_____
Ruby Paiste, Financial Services Manager

_____
Tony C. Goehring
Parks and Recreation Director

Prepared by Steve Virrey, Park Project Coordinator

TCG/SV:tl

cc: City Attorney
Susan Bjork, Management Analyst
Steve Dutra, Park Superintendent
Wes Fujitani, Sr. Civil Engineer
Joel Harris, Purchasing Officer

APPROVED: _____
Blair King, City Manager

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2006-____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING IMPROVEMENTS UNDER CONTRACT FOR PETERSON PARK WEST PLAYGROUND, 199 EVERGREEN DRIVE

==========

The City Council of the City of Lodi finds:

1. That all requirements of the contract between the City of Lodi and AM Stephens Construction of Lodi, California for Peterson Park West Playground located at 199 Evergreen Drive have been substantially complied with. The improvements are specifically set forth in the plans and specifications approved by the City Council on May 3, 2006.

2. That the City Engineer is hereby authorized and directed to file a Notice of Completion with the County Recorder's office.

Dated: September 6, 2006

==========

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-____

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Adopt Resolution Authorizing Transit Services Outside of Regular Service Operations for a Private Wedding on October 21, 2006, and Authorizing the Transportation Manager to Advertise to Determine if a Willing and/or Able Provider Exists for This Event**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That City Council adopt a resolution authorizing Transit services outside of regular service operations for a private wedding on October 21, 2006, and authorizing the Transportation Manager to advertise to determine if a willing and/or able provider exists for this event in accordance with the Policy for Use of Transit Service Outside of Regular Operations.

BACKGROUND INFORMATION: At the June 16, 2004, meeting, the City Council adopted policies and procedures for the use of transit services outside regular operations. Included in the adopted policy was specific language identifying the procedure for utilizing the City's transit services for public service events. The policy revisions call for the City's Transportation Manager to advertise not only in the local newspapers, but additionally to notify national trade organizations to determine if any other operator is willing and/or able to perform the service. To expedite this process, we do one general advertisement each year and should no provider be interested, the City's transit service may provide those services at the fully-allocated rate. Since this event was not included in the list of Council approved events, it would need to be advertised on its own. The applicant for the service will deposit in advance with the City sufficient funds for the advertisement of this special service. The current fully-allocated rate (contract cost plus maintenance, depreciation, etc.) is $60 an hour per bus and will be charged to this special service.

FISCAL IMPACT: All services provided will be charged at the fully-allocated costs. There should not be any fiscal impact on the transit fund.

FUNDING: None required. All services shall be billed in accordance with the adopted City policy.

_____
Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager
RCP/TMF/pmf

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING TRANSIT SERVICES OUTSIDE OF REGULAR SERVICE OPERATIONS FOR A PRIVATE WEDDING, AND FURTHER AUTHORIZES THE TRANSPORTATION MANAGER TO ADVERTISE TO DETERMINE IF A WILLING AND/OR ABLE PROVIDER EXISTS FOR THIS EVENT

==========

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby authorize transit services outside of regular service operations for a private wedding to be held on October 21, 2006; and

BE IT FURTHER RESOLVED that the Transportation Manager is hereby authorized to advertise to determine if a willing and/or able provider exists for this event.

Dated: September 6, 2006
==========

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-____

AGENDA ITEM **E-9**

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Approve Special Transit Fares for the Pink October Fashion Show in Accordance with Transit Fare Policy**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That the City Council approve special transit fares for the Pink October Fashion Show in accordance with the Transit Fare Policy.

BACKGROUND INFORMATION: At the October 20, 2004 City Council Meeting, transit fares for both Dial-A-Ride and Fixed Route were adopted effective January 1, 2005. In addition to the fare increase, the City Council allowed for contract pricing to non-profit organizations who administer transit grant programs at a rate not to be reduced by more than 50% and subject to approval by City Council on a case-by-case basis.

Staff has been approached by the sponsors of the local Pink October program to inquire if reduced rates may be available. The fashion show consists of 21 cancer survivors who will model at an event promoting cancer awareness and celebrating survivors. Staff has been requested to provide transportation from Wine and Roses Country Inn to Downtown to deliver the models to a beauty salon to prepare.

Staff is recommending that the City Council authorize the transit services at the 2004 rates: $2 for Dial-A-Ride.

FISCAL IMPACT: The reduced fares will limit the amount of revenue the transit system receives for this service. The amount can be accommodated with the Transit fund. The reduction in fares would amount to a loss of $63 in revenue.

FUNDING AVAILABLE: None required.

_____
Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TMF/pmf

cc: Finance Director
Transportation Manager

APPROVED: _____
Blair King, City Manager

AGENDA ITEM E-10

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution authorizing City Manager to renew agreement between San Joaquin County Data Processing and the City of Lodi Police Department (Estimated Annual Cost $16,738.51)

MEETING DATE: September 6, 2006

PREPARED BY: Jerry J. Adams, Chief of Police

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to renew an agreement between the Lodi Police Department and San Joaquin County, through its Data Processing Division, for Fiscal Year 2006-07 to provide data processing services and access to Automated Message Switching/CJIS Systems.

BACKGROUND INFORMATION: This is a renewal of the yearly contractual agreement between the City of Lodi and the County of San Joaquin. Criminal Justice Information System (CJIS) is the county-wide computer connection that provides the Police Department with State and Federal computer access. (A copy of that proposed Agreement is attached.)

This data processing service allows the police department to access County warrant information and other criminal justice information housed in the San Joaquin County Data Base. This information is critical to local law enforcement.

FISCAL IMPACT: It is anticipated that our number of transactions with the County computer system will allow us to stay within the monetary parameters approved in the 2006-2007 operating budget.

FUNDING AVAILABLE: $16,738.51 (Budget Item 300 Series 101031.7335)

_____
Ruby Paiste, Financial Services Manager

_____
Jerry J. Adams
Chief of Police

JJA:sm
Attachments

APPROVED: _____
Blair King, City Manager

AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of July, 2006 by and between the **COUNTY OF SAN JOAQUIN,** through its Information Systems Division, hereinafter referred to as **"COUNTY"** and **CITY OF LODI,** hereinafter referred to as **"AGENCY";**

WITNESSETH:

WHEREAS, COUNTY provides services and/or equipment listed in Attachment "A" hereinafter referred to as **"COMPUTER SERVICES"** to **AGENCY**; and

WHEREAS, COUNTY has certain computer equipment and is able to provide information services which **AGENCY** desires to use in its operations;

WHEREAS, COUNTY'S Information Systems Division services offered to **AGENCY** under this Agreement differs from that provided in previous years and it is necessary to set out the understanding of the parties as to the extent of services and liability for provision of access to the **COMPUTER SERVICES** for information.

IT IS HEREBY AGREED between the parties as follows:

1. COMPUTER SERVICES FOR ACCESS TO NON-REDUNDANT, NON-FAULT TOLERANT COMPUTER SYSTEMS

   The COUNTY shall provide to AGENCY the COMPUTER SERVICES of COUNTY'S Information Systems Division. The parties expressly acknowledge that the Information Systems Division computer systems are non-fault tolerant, non-redundant systems which do not provide continuous access seven (7) days a week and twenty-four (24) hours a day. The computer systems may go down and be unable to provide COMPUTER SERVICES at any time of day or night for undeterminable periods of time and also must be scheduled to be taken down for maintenance and repairs from time to time. Therefore, COUNTY does not represent that the COMPUTER SERVICES provided under this Agreement will enable AGENCY to receive information from the computer systems within any specific time period. AGENCY has considered the express limitations set forth in this Agreement of the COMPUTER SERVICES, together with the needs of AGENCY, and has determined that AGENCY'S business operations require the use of the services set out in this Agreement.

2. COMPENSATION

   a. COUNTY will provide the COMPUTER SERVICES for the estimated annual amount of compensation as shown in Attachment "A". COUNTY shall bill AGENCY only for actual COMPUTER SERVICES provided, one month after COMPUTER SERVICES are provided. AGENCY shall provide full payment to COUNTY of the billed amount by the fifteenth day of the date of billing. In the event payment is not made in accordance with this provision COUNTY may, at its option, terminate the agreement in accordance with the provisions of Paragraph 5.

   b. In the event that the AGENCY's estimated quantities, as indicated in Attachment "A", are exceeded for any reason, County may evaluate and, if necessary, increase the quantities indicated in Attachment "A", which may also result in the estimated annual amount of compensation provided herein to be increased. County will notify AGENCY, in writing, no less

than thirty (30) calendar days in advance of any intended increase of estimated annual amount of compensation. AGENCY shall be allowed the option to terminate this agreement in accordance with the provisions of Paragraph 5 in the event of an increase in the estimated annual amount of compensation.

c. In the event that County's cost of Computer Services are increased due to any reason, County may increase the rate of compensation, as indicated in Attachment "A", which may also result in the estimated annual amount of compensation provided herein to be increased. County will notify AGENCY, in writing, no less than thirty (30) calendar days in advance of any intended increase of estimated annual amount of compensation. AGENCY shall be allowed the option to terminate this agreement in accordance with the provisions of Paragraph 5 in the event of an increase in the estimated annual amount of compensation.

3. OPTIONAL SERVICE AND EQUIPMENT

COMPUTER SERVICES under this agreement are limited solely to the ongoing services, systems, and equipment listed in Attachment "A" which are in operation on the effective date of this agreement. Services and/or equipment not covered in this agreement may be provided to AGENCY at COUNTY'S option subject to the following conditions:

(a) AGENCY must submit a written request for the additional services and/or equipment which has been signed by the appropriate agency official, and

(b) Additional services, and/or equipment shall be provided at the current rates of compensation and shall be billed as additional items over and beyond the total estimated annual amount compensation designated in this agreement.

Maintenance in connection with the equipment provided under this agreement is included in the rate of compensation for equipment and will not be billed as an additional charge to AGENCY.

4. TERM

The term of this contract shall be one year beginning July 1, 2006 and ending June 30, 2007

5. TERMINATION

a. This contract may be terminated by either party upon thirty (30) calendar days advance written notice to the other party. Notwithstanding such termination, AGENCY shall compensate COUNTY for the actual COMPUTER SERVICES provided through the date the termination of the contract is effective. If AGENCY fails to timely compensate COUNTY as provided in this contract, AGENCY shall be held liable for the reasonable cost of collecting such compensation including attorneys fees and court costs incurred by COUNTY. In no event shall COUNTY be liable for reimbursing AGENCY for the costs to procure alternative services to those services provided under this Agreement regardless of whether AGENCY or COUNTY initiates termination of the Agreement.

b. All rental equipment in the possession of AGENCY shall be returned to COUNTY in the same condition as it was delivered to AGENCY, less normal wear and tear. COUNTY shall be compensated by contractor for all loss or damage to said equipment which is not the result of a willful or negligent act by COUNTY and which does not constitute normal wear and tear.

6. INDEMNIFICATION AND HOLD HARMLESS

The AGENCY agrees that it shall indemnify, defend and hold harmless the COUNTY, the members

of its Board of Supervisors, its officers, agents, and employees, from and against all demands, claims, damages, losses, expenses, and costs including attorneys' fees and court costs arising out of and/or resulting from the performance of the activities and services contemplated by this agreement, except for demands, claims, damages, losses, expenses, and costs resulting from the sole and exclusive negligence of the COUNTY, or it's agents, or those brought by employees or agents of COUNTY concerning their employment or agency relationship.

7. LIMITATIONS OF LIABILITY

In no event shall COUNTY be responsible for any damage, compensatory, consequential, punitive, or special in the event that the AGENCY is unable to access and/or obtain information from COMPUTER SERVICES of COUNTY. This Agreement shall not be construed to be either a representation or a warranty to AGENCY that it will be able to access and obtain information from the COMPUTER SERVICES at any particular time or within any particular response time. COUNTY does not grant any warranty as to the validity, completeness or usefulness of any information received by AGENCY from the COMPUTER SERVICES. COUNTY shall not be responsible nor liable for the costs to AGENCY to procure alternative services to the services provided for under this Agreement or upon termination of this Agreement by either party.

In the event of errors in COMPUTER SERVICES due to the failure of COUNTY'S equipment, software, circumstances beyond the control of COUNTY, or the failure of COUNTY'S employee(s) to operate the equipment in accordance with COUNTY'S standard operating procedures, or COUNTY'S inability to provide COMPUTER SERVICES due to circumstances beyond its control, COUNTY'S liability shall be limited to either subparagraph (a) or (b) below, either of which will be considered to be AGENCY exclusive remedy:

(a) The correction of errors of which COUNTY has received written notice and proof or the performance of the service, whichever is the situation; or

(b) Where such correction or performance of service is not practicable, AGENCY shall be entitled to an equitable credit not to exceed the charges invoiced to AGENCY for that portion of the service which produced the erroneous result or for that portion of the service which could not be performed, whichever is the situation.

COUNTY shall be liable for the loss, destruction or damage to AGENCY supplied materials only if such loss, destruction, or damages was due to the negligence of COUNTY and AGENCY sole remedy shall be COUNTY restoring the same, provided such restoration can be reasonably performed by COUNTY and provided that AGENCY provides COUNTY with all source data necessary for such restoration in similar form to that normally presented to COUNTY under this Agreement.

8. INDEPENDENT CONTRACTOR

The AGENCY, and the agents and employees of AGENCY, in the performance of this agreement, shall act in an independent capacity and not as officers or employees or agents of COUNTY.

9. ASSIGNMENT

Without the written consent of COUNTY, this agreement is not assignable by AGENCY either in whole or in part.

10. TIME OF THE ESSENCE

Time is of the essence in this agreement.

11. MODIFICATIONS

No alteration, variation, or modification of the terms of this contract shall be valid unless made in writing prior to the effective date and signed by the parties hereto, and no oral understanding or agreement not incorporated herein, shall be binding on any of the parties hereto.

12. COMPLIANCE WITH LAWS

AGENCY shall comply with the California Fair Employment Practices Act (Labor Code Section 1410, et seq.) and any amendments thereto.

This contract may, at the option of COUNTY, be terminated or suspended in whole or in part in the event AGENCY fails to comply with the nondiscrimination clause of the contract. In the event of termination under this paragraph, COUNTY shall be compensated for goods and services provided to the date of termination. Termination or suspension shall be effective upon receipt of written notice thereof.

13. CONFIDENTIALITY

AGENCY, its employees, officers, and agents shall protect and keep all information and materials obtained through the services of this agreement confidential and from unauthorized use and disclosure. This clause shall not apply to that information which is or becomes a public record subject to the disclosure requirements of the Public Records Act.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first written above.

COUNTY OF SAN JOAQUIN, a political subdivision of the State of California

By_____
MANUEL LOPEZ
County Administrator

"COUNTY"

CITY OF LODI

By_____
Blair King

Title City Manager

"AGENCY"

Attest:

_____
Jennifer M. Perrin
Interim City Clerk

APPROVED AS TO FORM:

_____
D. Stephen Schwabauer
City Attorney

APPROVED AS TO FORM:
TERRENCE R. DERMODY
County Counsel

By_____
LAWRENCE P. MEYERS
Deputy County Counsel

City of Lodi and
San Joaquin County

Attachment A

Rate Schedule
Fiscal Year 2006/2007

Computer Services

Automated Message Switching System Access
CJIS System Access

Service	Estimated Quantity	Type	Estimated Rate	Estimated Annual Cost	Estimated Total
Telephone Line Charge	12	Month	$ 112.16	$ 1,345.87	
* Special Processing Request	8	Hours	$ 86.58	$ 692.64	
Transactions	210,000	Each	$ 0.07	$ 14,700.00	
Total Estimated Annual Cost					**$ 16,738.51**

* Special Processing Requests require written authorization specifying work to be performed.

RESOLUTION NO. 2006-____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SAN JOAQUIN COUNTY TO PROVIDE DATA PROCESSING SERVICES AND ACCESS TO AUTOMATED MESSAGE SWITCHING/CJIS SYSTEMS BY LODI POLICE DEPARTMENT FOR FISCAL YEAR 2006-07

==========

WHEREAS, San Joaquin County provides to the City of Lodi access to Automated Message Switching/CJIS Systems; and

WHEREAS, San Joaquin County has certain data processing equipment and is able to provide data processing services, which the City of Lodi desires to use in its operations.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to enter into an agreement with San Joaquin County, through its Data Processing Division, for fiscal year 2006-07 to provide data processing services and access to Automated Message Switching/CJIS Systems to the Lodi Police Department, in an amount not to exceed $16,738.51; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said agreement on behalf of the City of Lodi.

Dated: September 6, 2006

==========

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

2006-____

AGENDA ITEM **E-11**

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Set Public Hearing for September 20, 2006, to Consider Unmet Transit Needs in Lodi**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That the City Council set a public hearing for the regularly scheduled Council meeting of September 20, 2006, to consider unmet transit needs in Lodi.

BACKGROUND INFORMATION: This public hearing is an annual requirement of the Transportation Development Act regulations. The San Joaquin Regional Transit District is also sponsoring several upcoming Unmet Transit Needs hearings to discuss unmet transit needs in San Joaquin County, including Lodi. Any comments received from those meetings will be communicated to City staff. It should be noted that many of the comments are given directly via email to San Joaquin Council of Governments staff throughout the year.

FISCAL IMPACT: This hearing is required in accordance with the Transportation Development Acts the transit system utilizes for operations and capital.

FUNDING: None required.

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TMF/pmf

cc: Douglas Ito, San Joaquin Council of Governments

APPROVED: _____
Blair King, City Manager

AGENDA ITEM E-12

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Set Public Hearing for September 20, 2006 to consider implementation of a new Substation & Transmission System Charge to be assessed as a development impact fee upon future EUD electric customers outside existing City boundaries and making corresponding amendments to the applicable Electric Utility Department Rules and Regulations (EUD)**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Electric Utility Director**

RECOMMENDED ACTION: That the City Council schedule a public hearing for September 20, 2006 to consider the implementation of a new Substation and Transmission System Charge to be assessed as a development impact fee upon future EUD electric customers outside existing City boundaries and making corresponding amendments to the applicable Electric Utility Department Rules and Regulations.

BACKGROUND INFORMATION: EUD is responsible for expanding its electric system to serve new customers/development. This includes system improvements in distribution (12kV (kilovolts) and below), transmission (60kV and above) and substation facilities.

Presently, EUD's electric system includes four (4) distribution substations. These substations are believed to be sufficient for existing and in-fill development within the city. In the short run, new developments outside existing city boundaries can also be served from existing substations. In the longer run, however, new substations may be required in the west/southwest and/or south/southwest areas of the community to reliably accommodate expanded growth beyond current city boundaries.

There is a trend by electric utilities to make new development responsible for much, if not all, of the cost to expand/extend electric facilities to serve them. Today, EUD's cost to construct new substations and transmission lines is made without any cost contributions by new customers/developers.

A typical EUD substation would have two 18.75MVA (megavolt amps) power transformers with four (4) 12kV feeders and circuit breakers connected to each individual power transformer. The assumed length of the 60kV transmission lines interconnecting the substation to the existing electrical network is five miles. The estimated cost of constructing a new substation and associated transmission is $7,864,500 (in 2006 dollars). Based on the effective capacity of a standard substation (48MVA), the corresponding cost per kVA (kilovolt amps) is computed to be $163.84.

Staff is recommending the establishment of a Substation and Transmission System Charge to be to be assessed as a development impact fee upon future EUD electric developments outside existing City boundaries (as of August 1, 2006). The initial amount of such charge would be $163.84 per kVA of computed new electrical load.

FISCAL IMPACT: This action will provide funds for future capital expenditures associated with new substation/transmission facilities.

APPROVED: _____
Blair King, City Manager

FUNDING AVAILABLE: Not applicable.

for Ruby Paiste, Financial Services Manager

George F. Morrow
Electric Utility Director

PREPARED BY: Demy Bucaneg, Jr., P.E., Sr. Power Engineer

GFM/DB/lst

cc: City Attorney

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Set Public Hearing for October 4, 2006, to Consider Resolution Establishing Area of Benefit and Reimbursable Costs for Lower Sacramento Road (Kettleman Lane to Harney Lane) Improvements**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Public Works Director**

RECOMMENDED ACTION: That the City Council set a public hearing for October 4, 2006, to consider a resolution establishing an Area of Benefit and Reimbursable Costs for Lower Sacramento Road (Kettleman Lane to Harney Lane) Improvements benefiting the parcels shown on Exhibit A.

BACKGROUND INFORMATION: As part of the City's Lower Sacramento Road (Kettleman Lane to Harney Lane) project, the City designed and installed public improvements that included a traffic signal and underground utility improvements in Lower Sacramento Road between Kettleman Lane and Harney Lane. As part of the County's Harney Curve project, the City paid for the installation of underground utility improvements in Harney Lane to and across the Lower Sacramento Road/ Harney Lane intersection. Both projects included improvements that benefit the adjacent parcels and would be required to be installed at the time of development of those parcels. Both projects are now complete.

The improvements included the installation of water pipe, water service stubs, sewer pipe, sewer service stubs, industrial and domestic sewer pipe, traffic signal modifications at Kettleman Lane, a new traffic signal at Century Boulevard, and appurtenant structures and facilities.

The benefiting properties are shown on Exhibit A as the Area of Benefit. The developer of the Vintage Oaks subdivision has paid the reimbursable costs for that project as well as the adjacent parcels to the north (APN 058-230-05) and south (APN 058-230-04) under the terms of the improvement agreement for that project. As a result, those properties are excluded from the Area of Benefit as shown on Exhibit A.

The parcel at the corner of Century Boulevard and Lower Sacramento Road (APN 058-030-06), owned by Howard Investments, is already developed and, as such, has not been assigned benefit of the improvements. However, should redevelopment of that parcel be applied for, the full reimbursement of the Southwest Gateway obligation would be required if not already paid. This is not expected to occur.

Pursuant to Lodi Municipal Code (LMC) Section 16.40.030, the costs of improvements installed by the City that benefit adjacent properties and would be required of the properties upon development are reimbursable to the City. A summary by category of reimbursable improvements for each parcel is

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APPROVED: _____
Blair King, City Manager

provided in Exhibit B. This exhibit also provides an explanation of how the benefit was determined for each category. The reimbursable costs for each of the benefiting properties have been calculated and are shown in Exhibit C. The total reimbursement to the City is calculated to be $780,700.

Payment of reimbursement costs will be a condition of approval for any future complete applications for entitlements, including development plans, development agreements, tentative subdivision maps, lot line adjustments, dedications to public agency, and/or final maps for the benefiting parcels. For payment collection purposes, some of the benefiting parcels have been segregated into the following groups as shown on Exhibit B. The groups and the total reimbursement (rounded) for each group is listed below (note the parcels on Harney Lane east of Lower Sacramento Road are not grouped, hence the sum of the figures below do not equal the above total).

1. Lodi Shopping Center $86,750
2. Olive Drive Group $35,560
3. Peterson Group $116,560
4. Southwest Gateway Group $460,700

Total reimbursement costs for all parcels within a given group will be payable at the time of development of the first parcel in that group. For example, in the case of the Olive Drive Group, the full reimbursement costs for all parcels within that group will be due at the time of development of the first parcel in the group.

Pursuant to LMC Section 15.64.080, the reimbursable amount will be adjusted annually to include an amount attributable to interest, which will be based on the change in the Engineering News Record (ENR) 20 Cities Construction Cost Index from January 1, 2006 to January 1st of the year of reimbursement. The beginning ENR index is 7660.

In conformance with LMC 16.40, staff recommends that Council set a public hearing to establish an Area of Benefit and Reimbursable Costs to recover the cost of improvements constructed with the Lower Sacramento Road (Kettleman Lane to Harney Lane) project that benefit adjacent properties.

FISCAL IMPACT: Not applicable.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Sharon A. Welch, Senior Civil Engineer

RCP/SAW/pmf

Attachments

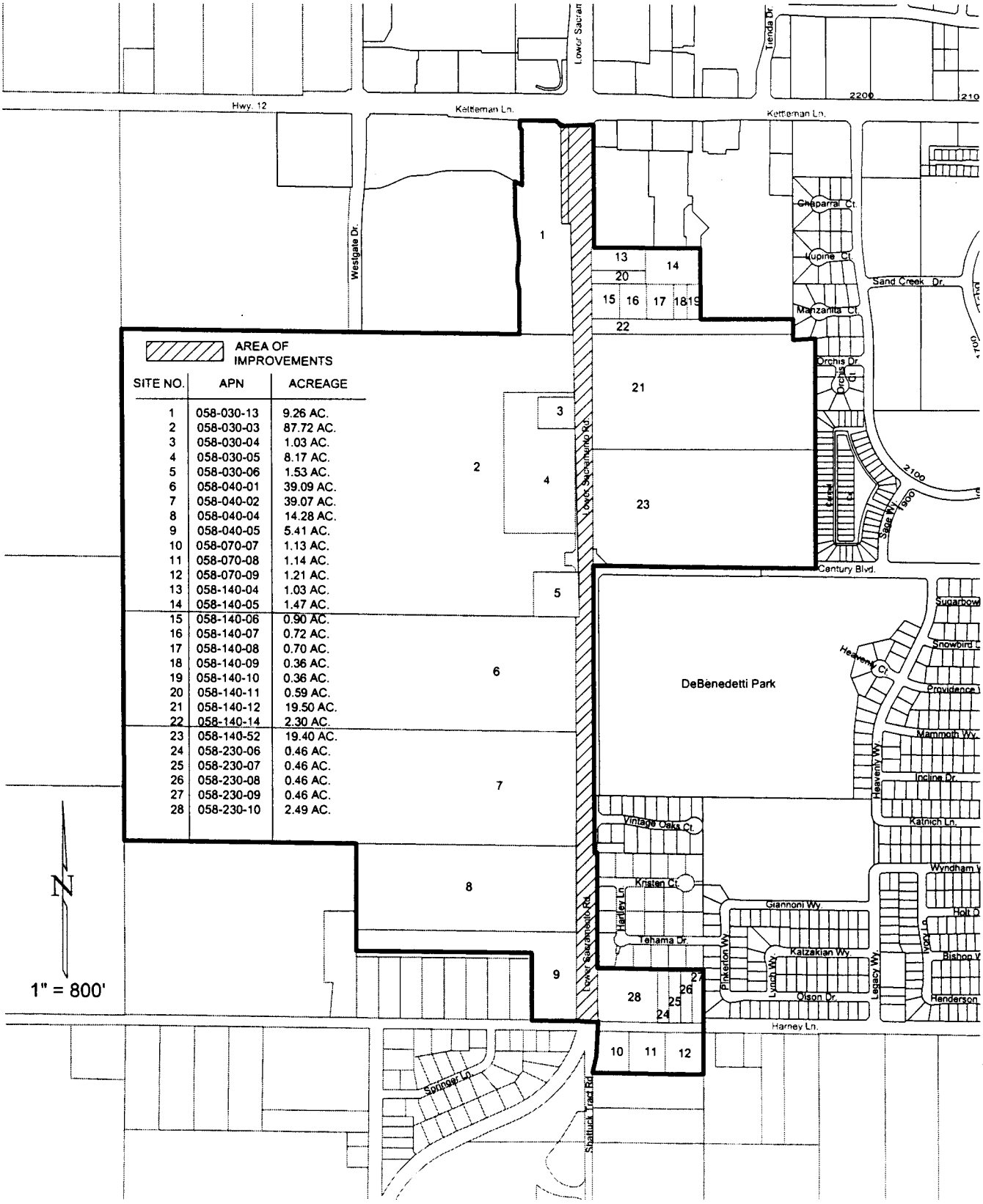
cc: Senior Civil Engineer Welch
Associate Civil Engineer Lindseth
Associate Civil Engineer Chang
Property Owners

Exhibit A

CITY OF LODI

PUBLIC WORKS DEPARTMENT

AREA OF BENEFIT LOWER SACRAMENTO RD KETTLEMAN TO HARNEY



SITE NO.	APN	ACREAGE
1	058-030-13	9.26 AC.
2	058-030-03	87.72 AC.
3	058-030-04	1.03 AC.
4	058-030-05	8.17 AC.
5	058-030-06	1.53 AC.
6	058-040-01	39.09 AC.
7	058-040-02	39.07 AC.
8	058-040-04	14.28 AC.
9	058-040-05	5.41 AC.
10	058-070-07	1.13 AC.
11	058-070-08	1.14 AC.
12	058-070-09	1.21 AC.
13	058-140-04	1.03 AC.
14	058-140-05	1.47 AC.
15	058-140-06	0.90 AC.
16	058-140-07	0.72 AC.
17	058-140-08	0.70 AC.
18	058-140-09	0.36 AC.
19	058-140-10	0.36 AC.
20	058-140-11	0.59 AC.
21	058-140-12	19.50 AC.
22	058-140-14	2.30 AC.
23	058-140-52	19.40 AC.
24	058-230-06	0.46 AC.
25	058-230-07	0.46 AC.
26	058-230-08	0.46 AC.
27	058-230-09	0.46 AC.
28	058-230-10	2.49 AC.

Exhibit B

Site	Assessor Parcel Number	Owner Name	1_Frontage Water Pipe (50%)	2_Water Service Stub	3_Frontage Sewer Pipe (50%)	4_Sewer Service Stub	5_Sewer Pipe Crossing @ Century	6_Storm Pipe Crossing @ Century	7_Storm Drain Service Stub	8_Industrial Waste Trunk Realign	9_Domestic Waste Trunk Realign	10_Kettleman Signal Modifications	11_Century Signal Install (25%)	12_Design Revisions (33%)	13_Electric Utility Conduit	14_Olive Drive Group	15_Southwest Gateway Group	16_Lodi Shopping Center	17_Peterson Group
1	058-030-13	BDC Lodi III LLC	x	x	x	x						x		x	x			x	
2	058-030-03	Van Ruiten	x	x			x	x		x	x		x		x		x		
3	058-030-04	Van Ruiten													x		x		
4	058-030-05	Van Ruiten	x	x													x		
5	058-030-06	Howard Investments (no facilities)															x		
6	058-040-01	Schumacher		x									x		x		x		
7	058-040-02	Schumacher		x											x		x		
8	058-040-04	Schumacher	x	x											x		x		
9	058-040-05	Schumacher	x														x		
10	058-070-07	Hayn	x																
11	058-070-08	Lyndie	x																
12	058-070-09	Woods	x																
13	058-140-04	Frame	x	x		x										x			
14	058-140-05	Ramazan	x	x		x										x			
15	058-140-06	Herman	x	x		x										x			
16	058-140-07	Del Rio	x	x		x										x			
17	058-140-08	Hall	x	x		x										x			
18	058-140-09	Del Rio	x	x		x										x			
19	058-140-10	Amigable	x	x		x										x			
20	058-140-11	Zane	x	x		x									x	x			
21	058-140-12	Peterson	x												x				x
22	058-140-14	Peterson	x																x
23	058-140-52	Peterson	x										x		x				x
24	058-230-06	Galindo	x																
25	058-230-07	Stice	x																
26	058-230-08	Sanchez	x																
27	058-230-09	Sandoval	x																
28	058-230-10	Schumacher	x																

Notes:

1 Water pipes installed along the frontage of parcel was allocated 50% to each parcel based upon frontage length. Some valve costs were assigned to benefitting parcels.

2 Water service stubs were installed beyond the edge of pavement and costs were assigned based upon the length of the stub and included blowoff valve and some valve costs.

3 Sewer pipes installed along the frontage of parcels was allocated 50% to each parcel based upon frontage length.

4 Sewer service stubs were installed beyond the edge of pavement and costs were assigned based upon the length of the stub and included manhole costs when only required to install the stub.

5 Domestic sewer crossing at Century Blvd. assigned 100% to adjacent parcel west side of Lower Sacramento Rd.

6 Storm drain crossing at Century Blvd. assigned 100% to adjacent parcel west side of Lower Sacramento Rd.

7 Storm drain stub installed at frontage and costs are based upon the length of the pipe installed.

8 Industrial waste realignment assigned to adjacent Van Ruiten parcel with pending Annexation Application.

9 Domestic sewer realignment assigned to adjacent Van Ruiten Parcel with pending Annexation Application

10 Kettleman signal modifications were made for the benefit of the future intersection into the Lodi Shopping Center.

11 Century Blvd traffic signal assigned 25% to each of the adjacent parcels. (75% allocated to parcels/25% to DeBenedetti Park)

12 Consultant design costs incurred late in the project to add: 1) future intersection into the Lodi Shopping Center 2) southbound left turn to Food4Less and 3) southerly extension of median and landscaping. A third of the costs are allocated to Lodi Shopping Center.

13 Electric Utility Conduits costs allocated 50% to each adjacent parcel.

14 Olive Drive improvements include water pipe, water service stub, sewer pipe, sewer service stub, storm service stub, and related appurtenance that lie along the frontage of those parcels. Costs have been allocated based upon the acreage of the individual parcels. The total cost of the Olive Drive improvements is $35,527.

City of Lodi
Public Works Dept

Lower Sacramento Road (Kettleman Lane to Harney Lane)

Reimbursable Costs

EXHIBIT C

ITEM No	DESCRIPTION	UNIT	Unit Price	BDC Lodi III Site No. 1 058-030-13 Quantity	Total	Van Ruiten Site No. 3 058-030-04 Quantity	Total	Van Ruiten Site No. 2 058-030-03 Quantity	Total	Van Ruiten Site No. 4 058-030-05 Quantity	Total	Howard Investments Site No. 5 058-030-06 Quantity	Total
	LOWER SACRAMENTO ROAD CONSTRUCTION PROJECT												
1	8-INCH SANITARY SEWER PIPE	LF	$ 185.00	90	16,650.00						$ -		$ -
2	21-INCH SANITARY SEWER PIPE	LF	$ 235.00					38	8,930.00		$ -		$ -
3	42-INCH SANITARY SEWER PIPE	LF	$ 390.00					218	85,020.00		$ -		$ -
4	18-INCH STORM DRAIN PIPE	LF	$ 125.00								$ -		$ -
5	48-INCH STORM DRAIN PIPE	LF	$ 205.00					242	49,610.00		$ -		$ -
6	30-INCH INDUSTRIAL WASTE PIPE	LF	$ 155.00					27	4,185.00		$ -		$ -
7	PIPE MARKERS	EA	$ 200.00								$ -		$ -
8	SIDE INLET CATCH BASIN	EA	$ 950.00								$ -		$ -
9	STORM DRAIN MANHOLE	EA	$ 3,650.00								$ -		$ -
10	SANITARY SEWER MANHOLE	EA	$ 3,100.00	0.5	1,550.00			2	6,200.00		$ -		$ -
11	INDUSTRIAL WASTE MANHOLE	EA	$ 3,625.00								$ -		$ -
12	10-INCH WATER PIPE	LF	$ 49.00	399	19,551.00			212	10,388.00	404	$ 19,796.00		$ -
13	8-INCH WATER PIPE	LF	$ 35.00								$ -		$ -
14	6-INCH WATER PIPE	LF	$ 26.00							70	$ 1,820.00		$ -
15	2-INCH WATER PIPE	EA	$ 2,625.00								$ -		$ -
16	TEMPORARY BLOW-OFF	EA	$ 1,150.00	2	2,300.00			1	1,150.00	2	$ 2,300.00		$ -
17	WATER VALVE 10-INCH	EA	$ 2,215.00	2	4,430.00			1.5	3,323.00	1.5	$ 3,322.50		$ -
18	WATER VALVE 8-INCH	EA	$ 1,925.00								$ -		$ -
19	WATER VALVE 6-INCH	EA	$ 1,225.00							1	$ 1,225.00		$ -
20	FIRE HYDRANT ASSEMBLY	EA	$ 3,050.00								$ -		$ -
21	CONDUIT 2-INCH CROSSINGS	LF	$ 23.00	51	1,173.00	145	3,335.00	218	5,014.00		$ -		$ -
22	CONDUIT 4-INCH CROSSINGS	LF	$ 16.00	51	816.00	97	1,552.00	132	2,112.00		$ -		$ -
23	CONDUIT 6-INCH CROSSINGS	LF	$ 17.00	51	867.00			132	2,244.00		$ -		$ -
24	TRAFFIC SIGNAL SYSTEM -CENTURY BLVD	LS	$ 153,300.00					0.25	38,325.00		$ -		$ -
25	SIGNAL MODIFICATIONS AT KETTLEMAN/LOWER SAC	LS	$ 12,000.00	1	12,000.00						$ -		$ -
26	ADD CONDUIT CROSSINGS PER EUD REQUEST	LS	$ 20,278.20								$ -		$ -
	CONDUIT 2" CROSSING	LF	$ 9.50	50	475.00			86	817.00		$ -		$ -
	CONDUIT 4" CROSSING	LF	$ 14.40	50	720.00			172	2,577.00	1	$ 14.40		$ -
	CONDUIT 6" CROSSING	LF	$ 17.70					172	3,049.00		$ -		$ -
27	DESIGN CHANGES FUTURE TS S/KETTLEMAN	ls	$ 55,000.00	0.33	18,333.00						$ -		$ -
	MTCO AMENDMENT #3 (1/3 COST) X 55,000										$ -		$ -
											$ -		$ -
	HARNEY CURVE PROJECT												
1	10" WATER PIPE	LF	$ 72.00								$ -		$ -
2	10" WATER VALVE	EA	$ 2,450.00								$ -		$ -
3	4" BLOW OFF	EA	$ 2,100.00								$ -		$ -
4	EUD CONDUIT CROSSINGS LSR@HARNEY										$ -		$ -
	WEST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00								$ -		$ -
	EAST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00								$ -		$ -
	NORTH CROSSING (LSR) 120 LF (1/2) COST	LS	$ 9,749.00								$ -		$ -
											$ -		$ -
	CENTURY BLVD CONSTRUCTION PROJECT												
1	48" STORM DRAIN PIPE	LF	$ 205.00					423.5	86,817.50		$ -		$ -
											$ -		$ -
	TOTAL CONSTRUCTION COSTS				**$ 78,865.00**		**$ 4,887.00**		**$ 309,761.50**		**$ 28,477.90**		**$ -**
	10% ENGINEERING & ADMINISTRATION				**$ 7,886.50**		**$ 488.70**		**$ 30,976.15**		**$ 2,847.79**		**$ -**
	TOTAL REIMBURSABLE COSTS				**$ 86,751.50**		**$ 5,375.70**		**$ 340,738.20**		**$ 31,325.69**		**$ -**

Lower Sacramento Road (Kettleman Lane to Harney Lane)

Reimbursable Costs

EXHIBIT C

ITEM No	DESCRIPTION	UNIT	Unit Price	Schumacher Site No. 6 Quantity	Schumacher 058-040-01 Total	Schumacher Site No. 7 Quantity	Schumacher 058-040-02 Total	Schumacher Site No. 8 Quantity	Schumacher 058-040-04 Total	Schumacher Site No. 9 Quantity	Schumacher 058-040-05 Total	Schumacher Sitge No. 28 Quantity	Schumacher 058-230-10 Total
	LOWER SACRAMENTO ROAD CONSTRUCTION PROJECT												
1	8-INCH SANITARY SEWER PIPE	LF	$ 185.00		$ -		$ -		$ -		$ -		$ -
2	21-INCH SANITARY SEWER PIPE	LF	$ 235.00		$ -		$ -		$ -		$ -		$ -
3	42-INCH SANITARY SEWER PIPE	LF	$ 390.00		$ -		$ -		$ -		$ -		$ -
4	18-INCH STORM DRAIN PIPE	LF	$ 125.00		$ -		$ -		$ -		$ -		$ -
5	48-INCH STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -		$ -		$ -
6	30-INCH INDUSTRIAL WASTE PIPE	LF	$ 155.00		$ -		$ -		$ -		$ -		$ -
7	PIPE MARKERS	EA	$ 200.00		$ -		$ -		$ -		$ -		$ -
8	SIDE INLET CATCH BASIN	EA	$ 950.00		$ -		$ -		$ -		$ -		$ -
9	STORM DRAIN MANHOLE	EA	$ 3,650.00		$ -		$ -		$ -		$ -		$ -
10	SANITARY SEWER MANHOLE	EA	$ 3,100.00		$ -		$ -		$ -		$ -		$ -
11	INDUSTRIAL WASTE MANHOLE	EA	$ 3,625.00		$ -		$ -		$ -		$ -		$ -
12	10-INCH WATER PIPE	LF	$ 49.00	68	$ 3,332.00	72	$ 3,528.00	158	$ 7,742.00	33	$ 1,617.00		$ -
13	8-INCH WATER PIPE	LF	$ 35.00		$ -		$ -	62	$ 2,170.00		$ -		$ -
14	6-INCH WATER PIPE	LF	$ 26.00		$ -		$ -		$ -		$ -		$ -
15	2-INCH WATER PIPE	EA	$ 2,625.00		$ -		$ -		$ -		$ -		$ -
16	TEMPORARY BLOW-OFF	EA	$ 1,150.00	1	$ 1,150.00	1	$ 1,150.00	1	$ 1,150.00	1	$ 1,150.00		$ -
17	WATER VALVE 10-INCH	EA	$ 2,215.00	1.5	$ 3,322.50	2	$ 4,430.00	0.5	$ 1,107.50	0.5	$ 1,107.50		$ -
18	WATER VALVE 8-INCH	EA	$ 1,925.00		$ -		$ -	1	$ 1,925.00		$ -		$ -
19	WATER VALVE 6-INCH	EA	$ 1,225.00		$ -		$ -		$ -		$ -		$ -
20	FIRE HYDRANT ASSEMBLY	EA	$ 3,050.00		$ -		$ -		$ -		$ -		$ -
21	CONDUIT 2-INCH CROSSINGS	LF	$ 23.00	107	$ 2,461.00	124	$ 2,852.00	119	$ 2,737.00		$ -		$ -
22	CONDUIT 4-INCH CROSSINGS	LF	$ 16.00	53	$ 848.00	62	$ 992.00	60	$ 960.00		$ -		$ -
23	CONDUIT 6-INCH CROSSINGS	LF	$ 17.00		$ -		$ -		$ -		$ -		$ -
24	TRAFFIC SIGNAL SYSTEM -CENTURY BLVD	LS	$ 153,300.00	0.25	$ 38,325.00		$ -		$ -		$ -		$ -
25	SIGNAL MODIFICATIONS AT KETTLEMAN/LOWER SAC	LS	$ 12,000.00		$ -		$ -		$ -		$ -		$ -
26	ADD CONDUIT CROSSINGS PER EUD REQUEST	LS	$ 20,278.20		$ -		$ -		$ -		$ -		$ -
	CONDUIT 2" CROSSING	LF	$ 9.50		$ -		$ -		$ -		$ -		$ -
	CONDUIT 4" CROSSING	LF	$ 14.40		$ -		$ -		$ -		$ -		$ -
	CONDUIT 6" CROSSING	LF	$ 17.70		$ -		$ -		$ -		$ -		$ -
27	DESIGN CHANGES FUTURE TS S/KETTLEMAN	ls	$ 55,000.00		$ -		$ -		$ -		$ -		$ -
	MTCO AMENDMENT #3 (1/3 COST) X 55,000				$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	HARNEY CURVE PROJECT												
1	10" WATER PIPE	LF	$ 72.00		$ -		$ -		$ -	204	$ 14,688.00	363	$ 26,136.00
2	10" WATER VALVE	EA	$ 2,450.00		$ -		$ -		$ -	1.5	$ 3,675.00	1.5	$ 3,675.00
3	4" BLOW OFF	EA	$ 2,100.00		$ -		$ -		$ -	1	$ 2,100.00		$ -
4	EUD CONDUIT CROSSINGS LSR@HARNEY				$ -		$ -		$ -		$ -		$ -
	WEST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -	0.5	$ 2,437.50		$ -
	EAST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -		$ -		$ -
	NORTH CROSSING (LSR) 120 LF (1/2) COST	LS	$ 9,749.00		$ -		$ -		$ -	0.5	$ 4,874.50	0.5	$ 4,874.50
					$ -		$ -		$ -		$ -		$ -
	CENTURY BLVD CONSTRUCTION PROJECT												
1	48" STORM DRAIN PIPE	LF	$ 205.00	423.5	$ 86,817.50		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	TOTAL CONSTRUCTION COSTS				**$ 136,256.00**		**$ 12,952.00**		**$ 17,791.50**		**$ 31,649.50**		**$ 34,685.50**
	10% ENGINEERING & ADMINISTRATION				**$ 13,625.60**		**$ 1,295.20**		**$ 1,779.15**		**$ 3,164.95**		**$ 3,712.30**
	TOTAL REIMBURSABLE COSTS				**$ 14,625.60**		**$ 14,247.00**		**$ 19,570.15**		**$ 34,814.45**		**$ 40,853.30**

Lower Sacramento Road (Kettleman Lane to Harney Lane)

Reimbursable Costs

EXHIBIT C

ITEM No	DESCRIPTION	UNIT	Unit Price	Peterson Site No. 23 Quantity	Peterson 058-140-52 Total	Peterson Site No. 21 Quantity	Peterson 058-140-12 Total	Peterson Site No. 22 Quantity	Peterson 058-140-14 Total	Herman Site No. 15 Quantity	Herman 058-140-06 Total	Amigable Site No. 19 Quantity	Amigable 058-140-10 Total
	LOWER SACRAMENTO ROAD CONSTRUCTION PROJECT									14.90%		11.80%	
1	8-INCH SANITARY SEWER PIPE	LF	$ 185.00		$ -		$ -		$ -		$ -		$ -
2	21-INCH SANITARY SEWER PIPE	LF	$ 235.00		$ -		$ -		$ -		$ -		$ -
3	42-INCH SANITARY SEWER PIPE	LF	$ 390.00		$ -		$ -		$ -		$ -		$ -
4	18-INCH STORM DRAIN PIPE	LF	$ 125.00		$ -		$ -		$ -		$ -		$ -
5	48-INCH STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -		$ -		$ -
6	30-INCH INDUSTRIAL WASTE PIPE	LF	$ 155.00		$ -		$ -		$ -		$ -		$ -
7	PIPE MARKERS	EA	$ 200.00		$ -		$ -		$ -		$ -		$ -
8	SIDE INLET CATCH BASIN	EA	$ 950.00		$ -		$ -		$ -		$ -		$ -
9	STORM DRAIN MANHOLE	EA	$ 3,650.00		$ -		$ -		$ -		$ -		$ -
10	SANITARY SEWER MANHOLE	EA	$ 3,100.00		$ -		$ -		$ -		$ -		$ -
11	INDUSTRIAL WASTE MANHOLE	EA	$ 3,625.00		$ -		$ -		$ -		$ -		$ -
12	10-INCH WATER PIPE	LF	$ 49.00	333	$ 16,317.00	346	$ 16,954.00	42	$ 2,058.00		$ -		$ -
13	8-INCH WATER PIPE	LF	$ 35.00		$ -		$ -		$ -		$ -		$ -
14	6-INCH WATER PIPE	LF	$ 26.00		$ -	16	$ 416.00		$ -		$ -		$ -
15	2-INCH WATER PIPE	EA	$ 2,625.00		$ -		$ -		$ -		$ -		$ -
16	TEMPORARY BLOW-OFF	EA	$ 1,150.00		$ -	2	$ 2,300.00		$ -		$ -		$ -
17	WATER VALVE 10-INCH	EA	$ 2,215.00	1	$ 2,215.00	2	$ 4,430.00		$ -		$ -		$ -
18	WATER VALVE 8-INCH	EA	$ 1,925.00		$ -		$ -		$ -		$ -		$ -
19	WATER VALVE 6-INCH	EA	$ 1,225.00		$ -	1	$ 1,225.00		$ -		$ -		$ -
20	FIRE HYDRANT ASSEMBLY	EA	$ 3,050.00		$ -		$ -		$ -		$ -		$ -
21	CONDUIT 2-INCH CROSSINGS	LF	$ 23.00		$ -	145	$ 3,335.00	50	$ 1,150.00		$ -		$ -
22	CONDUIT 4-INCH CROSSINGS	LF	$ 16.00		$ -	145	$ 2,320.00	50	$ 800.00		$ -		$ -
23	CONDUIT 6-INCH CROSSINGS	LF	$ 17.00		$ -		$ -	151	$ 2,567.00		$ -		$ -
24	TRAFFIC SIGNAL SYSTEM -CENTURY BLVD	LS	$ 153,300.00	0.25	$ 38,325.00		$ -		$ -		$ -		$ -
25	SIGNAL MODIFICATIONS AT KETTLEMAN/LOWER SAC	LS	$ 12,000.00		$ -		$ -		$ -		$ -		$ -
26	ADD CONDUIT CROSSINGS PER EUD REQUEST	LS	$ 20,278.20		$ -		$ -		$ -		$ -		$ -
	CONDUIT 2" CROSSING	LF	$ 9.50	150	$ 1,425.00		$ -		$ -		$ -		$ -
	CONDUIT 4" CROSSING	LF	$ 14.40	150	$ 2,160.00		$ -		$ -		$ -		$ -
	CONDUIT 6" CROSSING	LF	$ 17.70	450	$ 7,965.00		$ -		$ -		$ -		$ -
27	DESIGN CHANGES FUTURE TS S/KETTLEMAN	ls	$ 55,000.00		$ -		$ -		$ -		$ -		$ -
	MTCO AMENDMENT #3 (1/3 COST) X 55,000				$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	HARNEY CURVE PROJECT												
1	10" WATER PIPE	LF	$ 72.00		$ -		$ -		$ -		$ -		$ -
2	10" WATER VALVE	EA	$ 2,450.00		$ -		$ -		$ -		$ -		$ -
3	4" BLOW OFF	EA	$ 2,100.00		$ -		$ -		$ -		$ -		$ -
4	EUD CONDUIT CROSSINGS LSR@HARNEY				$ -		$ -		$ -		$ -		$ -
	WEST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -		$ -		$ -
	EAST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -		$ -		$ -
	NORTH CROSSING (LSR) 120 LF (1/2) COST	LS	$ 9,749.00		$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	CENTURY BLVD CONSTRUCTION PROJECT												
1	48" STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	TOTAL CONSTRUCTION COSTS				**$ 68,407.00**		**$ 30,980.00**		**$ 6,575.00**		**$ 4,812.00**		**$ 3,811.00**
	10% ENGINEERING & ADMINISTRATION				**$ 6,840.70**		**$ 3,098.00**		**$ 657.50**		**$ 481.20**		**$ 381.10**
	TOTAL REIMBURSABLE COSTS				**$ 75,247.00**		**$ 34,078.00**		**$ 7,232.50**		**$ 5,293.20**		**$ 4,192.10**

City of Lodi
Public Works Dept

Lower Sacramento Road (Kettleman Lane to Harney Lane)

Reimbursable Costs

EXHIBIT C

ITEM No	DESCRIPTION	UNIT	Unit Price	Frame Site No. 13 Quantity	Frame 058-140-04 Total	Ramazan Sitge No. 14 Quantity	Ramazan 058-140-05 Total	Del Rio Site No. 16 Quantity	Del Rio 058-140-07 Total	Hall Site No. 17 Quantity	Hall 058-140-08 Total	Del Rio Site No. 18 Quantity	Del Rio 058-140-09 Total
	LOWER SACRAMENTO ROAD CONSTRUCTION PROJECT			11.40%		24.30%		11.80%		11.80%		7.60%	
1	8-INCH SANITARY SEWER PIPE	LF	$ 185.00		$ -		$ -		$ -		$ -		$ -
2	21-INCH SANITARY SEWER PIPE	LF	$ 235.00		$ -		$ -		$ -		$ -		$ -
3	42-INCH SANITARY SEWER PIPE	LF	$ 390.00		$ -		$ -		$ -		$ -		$ -
4	18-INCH STORM DRAIN PIPE	LF	$ 125.00		$ -		$ -		$ -		$ -		$ -
5	48-INCH STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -		$ -		$ -
6	30-INCH INDUSTRIAL WASTE PIPE	LF	$ 155.00		$ -		$ -		$ -		$ -		$ -
7	PIPE MARKERS	EA	$ 200.00		$ -		$ -		$ -		$ -		$ -
8	SIDE INLET CATCH BASIN	EA	$ 950.00		$ -		$ -		$ -		$ -		$ -
9	STORM DRAIN MANHOLE	EA	$ 3,650.00		$ -		$ -		$ -		$ -		$ -
10	SANITARY SEWER MANHOLE	EA	$ 3,100.00		$ -		$ -		$ -		$ -		$ -
11	INDUSTRIAL WASTE MANHOLE	EA	$ 3,625.00		$ -		$ -		$ -		$ -		$ -
12	10-INCH WATER PIPE	LF	$ 49.00		$ -		$ -		$ -		$ -		$ -
13	8-INCH WATER PIPE	LF	$ 35.00		$ -		$ -		$ -		$ -		$ -
14	6-INCH WATER PIPE	LF	$ 26.00		$ -		$ -		$ -		$ -		$ -
15	2-INCH WATER PIPE	EA	$ 2,625.00		$ -		$ -		$ -		$ -		$ -
16	TEMPORARY BLOW-OFF	EA	$ 1,150.00		$ -		$ -		$ -		$ -		$ -
17	WATER VALVE 10-INCH	EA	$ 2,215.00		$ -		$ -		$ -		$ -		$ -
18	WATER VALVE 8-INCH	EA	$ 1,925.00		$ -		$ -		$ -		$ -		$ -
19	WATER VALVE 6-INCH	EA	$ 1,225.00		$ -		$ -		$ -		$ -		$ -
20	FIRE HYDRANT ASSEMBLY	EA	$ 3,050.00		$ -		$ -		$ -		$ -		$ -
21	CONDUIT 2-INCH CROSSINGS	LF	$ 23.00		$ -		$ -		$ -		$ -		$ -
22	CONDUIT 4-INCH CROSSINGS	LF	$ 16.00		$ -		$ -		$ -		$ -		$ -
23	CONDUIT 6-INCH CROSSINGS	LF	$ 17.00		$ -		$ -		$ -		$ -		$ -
24	TRAFFIC SIGNAL SYSTEM -CENTURY BLVD	LS	$ 153,300.00		$ -		$ -		$ -		$ -		$ -
25	SIGNAL MODIFICATIONS AT KETTLEMAN/LOWER SAC	LS	$ 12,000.00		$ -		$ -		$ -		$ -		$ -
26	ADD CONDUIT CROSSINGS PER EUD REQUEST	LS	$ 20,278.20		$ -		$ -		$ -		$ -		$ -
	CONDUIT 2" CROSSING	LF	$ 9.50		$ -		$ -		$ -		$ -		$ -
	CONDUIT 4" CROSSING	LF	$ 14.40		$ -		$ -		$ -		$ -		$ -
	CONDUIT 6" CROSSING	LF	$ 17.70		$ -		$ -		$ -		$ -		$ -
27	DESIGN CHANGES FUTURE TS S/KETTLEMAN	ls	$ 55,000.00		$ -		$ -		$ -		$ -		$ -
	MTCO AMENDMENT #3 (1/3 COST) X 55,000				$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	HARNEY CURVE PROJECT												
1	10" WATER PIPE	LF	$ 72.00		$ -		$ -		$ -		$ -		$ -
2	10" WATER VALVE	EA	$ 2,450.00		$ -		$ -		$ -		$ -		$ -
3	4" BLOW OFF	EA	$ 2,100.00		$ -		$ -		$ -		$ -		$ -
4	EUD CONDUIT CROSSINGS LSR@HARNEY				$ -		$ -		$ -		$ -		$ -
	WEST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -		$ -		$ -
	EAST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -		$ -		$ -
	NORTH CROSSING (LSR) 120 LF (1/2) COST	LS	$ 9,749.00		$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	CENTURY BLVD CONSTRUCTION PROJECT												
1	48" STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	TOTAL CONSTRUCTION COSTS				**$ 3,682.00**		**$ 7,848.00**		**$ 3,811.00**		**$ 3,811.00**		**$ 2,454.00**
	10% ENGINEERING & ADMINISTRATION				**$ 368.20**		**$ 784.80**		**$ 381.00**		**$ 381.10**		**$ 245.40**
	TOTAL REIMBURSABLE COSTS				**$ 4,050.20**		**$ 8,632.80**		**$ 4,192.10**		**$ 4,192.10**		**$ 2,699.40**

City of Lodi
Public Works Dept

Lower Sacramento Road (Kettleman Lane to Harney Lane)

Reimbursable Costs

EXHIBIT C

ITEM No	DESCRIPTION	UNIT	Unit Price	Zane Site No. 20 Quantity	Zane 058-140-11 Total	Galindo Site No. 24 Quantity	Galindo 058-230-06 Total	Stice Site No. 25 Quantity	Stice 058-230-07 Total	Sanchez Site No. 26 Quantity	Sanchez 058-230-08 Total	Sandoval Site No. 27 Quantity	Sandoval 058-230-09 Total
	LOWER SACRAMENTO ROAD CONSTRUCTION PROJECT			6.50%									
1	8-INCH SANITARY SEWER PIPE	LF	$ 185.00		$ -		$ -		$ -		$ -		$ -
2	21-INCH SANITARY SEWER PIPE	LF	$ 235.00		$ -		$ -		$ -		$ -		$ -
3	42-INCH SANITARY SEWER PIPE	LF	$ 390.00		$ -		$ -		$ -		$ -		$ -
4	18-INCH STORM DRAIN PIPE	LF	$ 125.00		$ -		$ -		$ -		$ -		$ -
5	48-INCH STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -		$ -		$ -
6	30-INCH INDUSTRIAL WASTE PIPE	LF	$ 155.00		$ -		$ -		$ -		$ -		$ -
7	PIPE MARKERS	EA	$ 200.00		$ -		$ -		$ -		$ -		$ -
8	SIDE INLET CATCH BASIN	EA	$ 950.00		$ -		$ -		$ -		$ -		$ -
9	STORM DRAIN MANHOLE	EA	$ 3,650.00		$ -		$ -		$ -		$ -		$ -
10	SANITARY SEWER MANHOLE	EA	$ 3,100.00		$ -		$ -		$ -		$ -		$ -
11	INDUSTRIAL WASTE MANHOLE	EA	$ 3,625.00		$ -		$ -		$ -		$ -		$ -
12	10-INCH WATER PIPE	LF	$ 49.00		$ -		$ -		$ -		$ -		$ -
13	8-INCH WATER PIPE	LF	$ 35.00		$ -		$ -		$ -		$ -		$ -
14	6-INCH WATER PIPE	LF	$ 26.00		$ -		$ -		$ -		$ -		$ -
15	2-INCH WATER PIPE	EA	$ 2,625.00		$ -		$ -		$ -		$ -		$ -
16	TEMPORARY BLOW-OFF	EA	$ 1,150.00		$ -		$ -		$ -		$ -		$ -
17	WATER VALVE 10-INCH	EA	$ 2,215.00		$ -		$ -		$ -		$ -		$ -
18	WATER VALVE 8-INCH	EA	$ 1,925.00		$ -		$ -		$ -		$ -		$ -
19	WATER VALVE 6-INCH	EA	$ 1,225.00		$ -		$ -		$ -		$ -		$ -
20	FIRE HYDRANT ASSEMBLY	EA	$ 3,050.00		$ -		$ -		$ -		$ -		$ -
21	CONDUIT 2-INCH CROSSINGS	LF	$ 23.00		$ -		$ -		$ -		$ -		$ -
22	CONDUIT 4-INCH CROSSINGS	LF	$ 16.00		$ -		$ -		$ -		$ -		$ -
23	CONDUIT 6-INCH CROSSINGS	LF	$ 17.00		$ -		$ -		$ -		$ -		$ -
24	TRAFFIC SIGNAL SYSTEM -CENTURY BLVD	LS	$ 153,300.00		$ -		$ -		$ -		$ -		$ -
25	SIGNAL MODIFICATIONS AT KETTLEMAN/LOWER SAC	LS	$ 12,000.00		$ -		$ -		$ -		$ -		$ -
26	ADD CONDUIT CROSSINGS PER EUD REQUEST	LS	$ 20,278.20		$ -		$ -		$ -		$ -		$ -
	CONDUIT 2" CROSSING	LF	$ 9.50		$ -		$ -		$ -		$ -		$ -
	CONDUIT 4" CROSSING	LF	$ 14.40		$ -		$ -		$ -		$ -		$ -
	CONDUIT 6" CROSSING	LF	$ 17.70		$ -		$ -		$ -		$ -		$ -
27	DESIGN CHANGES FUTURE TS S/KETTLEMAN	ls	$ 55,000.00		$ -		$ -		$ -		$ -		$ -
	MTCO AMENDMENT #3 (1/3 COST) X 55,000				$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	HARNEY CURVE PROJECT												
1	10" WATER PIPE	LF	$ 72.00		$ -	33	$ 2,376.00	33	$ 2,376.00	33	$ 2,376.00	33	$ 2,376.00
2	10" WATER VALVE	EA	$ 2,450.00		$ -		$ -		$ -		$ -		$ -
3	4" BLOW OFF	EA	$ 2,100.00		$ -		$ -		$ -		$ -		$ -
4	EUD CONDUIT CROSSINGS LSR@HARNEY				$ -		$ -		$ -		$ -		$ -
	WEST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -		$ -		$ -
	EAST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -		$ -		$ -
	NORTH CROSSING (LSR) 120 LF (1/2) COST	LS	$ 9,749.00		$ -		$ -		$ -		$ -		$ -
					$ -		$ -		$ -		$ -		$ -
	CENTURY BLVD CONSTRUCTION PROJECT												
1	48" STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -		$ -		$ -
					$ -				$ -		$ -		$ -
	TOTAL CONSTRUCTION COSTS				**$ 2,099.00**		**$ 2,376.00**		**$ 2,376.00**		**$ 2,376.00**		**$ 2,376.00**
	10% ENGINEERING & ADMINISTRATION				**$ 209.90**		**$ 237.60**		**$ 237.60**		**$ 237.60**		**$ 237.60**
	TOTAL REIMBURSABLE COSTS				**$ 2,308.90**		**$ 2,613.60**		**$ 2,613.60**		**$ 2,613.60**		**$ 2,613.60**

Lower Sacramento Road (Kettleman Lane to Harney Lane)

Reimbursable Costs

EXHIBIT C

ITEM No	DESCRIPTION	UNIT	Unit Price	Woods Site No. 12 Quantity	Woods 058-070-09 Total	Lyndie Site No. 11 Quantity	Lyndie 058-070-08 Total	Hayn Site No. 10 Quantity	Hayn 058-070-07 Total
	LOWER SACRAMENTO ROAD CONSTRUCTION PROJECT								
1	8-INCH SANITARY SEWER PIPE	LF	$ 185.00		$ -		$ -		$ -
2	21-INCH SANITARY SEWER PIPE	LF	$ 235.00		$ -		$ -		$ -
3	42-INCH SANITARY SEWER PIPE	LF	$ 390.00		$ -		$ -		$ -
4	18-INCH STORM DRAIN PIPE	LF	$ 125.00		$ -		$ -		$ -
5	48-INCH STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -
6	30-INCH INDUSTRIAL WASTE PIPE	LF	$ 155.00		$ -		$ -		$ -
7	PIPE MARKERS	EA	$ 200.00		$ -		$ -		$ -
8	SIDE INLET CATCH BASIN	EA	$ 950.00		$ -		$ -		$ -
9	STORM DRAIN MANHOLE	EA	$ 3,650.00		$ -		$ -		$ -
10	SANITARY SEWER MANHOLE	EA	$ 3,100.00		$ -		$ -		$ -
11	INDUSTRIAL WASTE MANHOLE	EA	$ 3,625.00		$ -		$ -		$ -
12	10-INCH WATER PIPE	LF	$ 49.00		$ -		$ -		$ -
13	8-INCH WATER PIPE	LF	$ 35.00		$ -		$ -		$ -
14	6-INCH WATER PIPE	LF	$ 26.00		$ -		$ -		$ -
15	2-INCH WATER PIPE	EA	$ 2,625.00		$ -		$ -		$ -
16	TEMPORARY BLOW-OFF	EA	$ 1,150.00		$ -		$ -		$ -
17	WATER VALVE 10-INCH	EA	$ 2,215.00		$ -		$ -		$ -
18	WATER VALVE 8-INCH	EA	$ 1,925.00		$ -		$ -		$ -
19	WATER VALVE 6-INCH	EA	$ 1,225.00		$ -		$ -		$ -
20	FIRE HYDRANT ASSEMBLY	EA	$ 3,050.00		$ -		$ -		$ -
21	CONDUIT 2-INCH CROSSINGS	LF	$ 23.00		$ -		$ -		$ -
22	CONDUIT 4-INCH CROSSINGS	LF	$ 16.00		$ -		$ -		$ -
23	CONDUIT 6-INCH CROSSINGS	LF	$ 17.00		$ -		$ -		$ -
24	TRAFFIC SIGNAL SYSTEM -CENTURY BLVD	LS	$ 153,300.00		$ -		$ -		$ -
25	SIGNAL MODIFICATIONS AT KETTLEMAN/LOWER SAC	LS	$ 12,000.00		$ -		$ -		$ -
26	ADD CONDUIT CROSSINGS PER EUD REQUEST	LS	$ 20,278.20		$ -		$ -		$ -
	CONDUIT 2" CROSSING	LF	$ 9.50		$ -		$ -		$ -
	CONDUIT 4" CROSSING	LF	$ 14.40		$ -		$ -		$ -
	CONDUIT 6" CROSSING	LF	$ 17.70		$ -		$ -		$ -
27	DESIGN CHANGES FUTURE TS S/KETTLEMAN	ls	$ 55,000.00		$ -		$ -		$ -
	MTCO AMENDMENT #3 (1/3 COST) X 55,000				$ -		$ -		$ -
					$ -		$ -		$ -
	HARNEY CURVE PROJECT								
1	10" WATER PIPE	LF	$ 72.00	103	$ 7,416.00	103	$ 7,416.00	103	$ 7,416.00
2	10" WATER VALVE	EA	$ 2,450.00		$ -		$ -	1	$ 2,450.00
3	4" BLOW OFF	EA	$ 2,100.00		$ -		$ -		$ -
4	EUD CONDUIT CROSSINGS LSR@HARNEY				$ -		$ -		$ -
	WEST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -
	EAST CROSSING (HARNEY) 70 LF (1/4) COST	LS	$ 4,875.00		$ -		$ -		$ -
	NORTH CROSSING (LSR) 120 LF (1/2) COST	LS	$ 9,749.00		$ -		$ -		$ -
					$ -		$ -		$ -
	CENTURY BLVD CONSTRUCTION PROJECT								
1	48" STORM DRAIN PIPE	LF	$ 205.00		$ -		$ -		$ -
									$ -
	TOTAL CONSTRUCTION COSTS				**$ 7,416.00**		**$ 7,416.00**		**$ 9,866.00**
	10% ENGINEERING & ADMINISTRATION				**$ 741.60**		**$ 741.60**		**$ 1,230.50**
	TOTAL REIMBURSABLE COSTS				**$ 8,157.60**		**$ 8,157.60**		**$ 13,533.85**

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items

CITY OF LODI
COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a public hearing to consider two different appeals, one from the Vineyard Christian Middle School and one from a group of neighbors regarding the Planning Commission's decision of July 26, 2006 to approve the site and architectural plan for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue. (File # 06-SP-06)

MEETING DATE: September 6, 2006

PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the City Council deny both appeals and uphold the Planning Commission's decision to approve a modified site plan and architectural design for the Vineyard Christian Middle School located on the grounds of Lodi Avenue Baptist Church, 2301 West Lodi Avenue.

BACKGROUND INFORMATION: The Vineyard Christian Middle School (VCMS) is a private middle school for 6th, 7th and 8th grade students. The school has been temporarily operating in Woodbridge for the past two years while it looked for a permanent facility for their school. On February 8, 2006, VCMS made a request to the Planning Commission for a Use Permit to locate their school on a portion of the property of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue. There was a lengthy hearing and the Planning Commission heard from many speakers both for and against the project. The neighbors were concerned about the impact the proposed school might have on their neighborhood. They expressed concerns about increased traffic on Allen Drive, increased noise and litter, and the aesthetic impact on the school buildings. Because many questions were raised during the hearing, the Planning Commission continued the hearing to the following meeting of February 22, 2006 in order to obtain additional information from City staff, neighbors and the applicants.

On February 22, 2006, the Planning Commission continued the public hearing and received additional testimony and information from both the public and City staff. Following the conclusion of the hearing, the Planning Commission voted to grant a Use Permit to VCMS to locate their school on the Lodi Avenue Baptist Church property. The Use Permit was granted with a number of conditions placed on the project by the Planning Commission to address the various concerns of the neighborhood. One of the conditions was that the project be reviewed and approved by the Lodi Site Plan and Architectural Review Committee (SPARC) for final site plan and architectural issues prior to obtaining building permits.

APPROVED: _____
Blair King, City Manager

Following the Planning Commission's approval of the project, several of the neighbors filed an appeal to the City Council, requesting that the Council overturn the Planning Commission's decision to grant the Use Permit.

On April 19, 2006, the City Council held a Public Hearing on the appeal of the VCMS Use Permit. Following an extensive discussion on the project, the City Council denied the appeal and upheld the decision of the Planning Commission to grant the Use Permit to Vineyard Christian Middle School.

Vineyard Christian Middle School then proceeded to the next step in the process, which was to submit their plans to the Site Plan and Architectural Review Committee (SPARC) for their approval. Prior to the SPARC meeting, VCMS placed the school buildings on the property at a location different from that shown on the approved Use Permit. On June 19, 2006, the VCMS project was reviewed by SPARC. The applicants made a presentation to the Committee showing a revised site plan and colored building elevations. The plans reviewed by SPARC differed somewhat from the plans presented to the Planning Commission however the Committee felt that the changes did not significantly alter the project and in some ways improved the overall site plan. Changes included rearranging the placement of the class room buildings, moving the buildings slightly south on the property, replacing an existing church building with a new restroom building of roughly the same size and location. The presentation also included plans for new fencing and landscaping along Allen Drive and a modification of the driveway and traffic circulation pattern. Following a thorough review of the proposal, SPARC approved the project subject to a list of conditions. One of the conditions was that VCMS return to the Committee with a final design of the fencing along Allen Drive as well as a landscape plan for the street frontage for final approval.

Some of the neighbors felt that SPARC had erred in their approval of the VCMS plans. They felt that the plans were substantially different than the plans approved by the Planning Commission and that the changes should not have been approved. Based on their concerns, they appealed the decision of SPARC to approve the VCMS site plan and building elevations and requested that the Planning Commission overturn SPARC' approval of the project design

On July 26, 2006, the Planning Commission held a Public Hearing to hear the appeal of the SPARC approval for the Vineyard Christian Middle School. The appealing parties, the project applicants and other interested parties all spoke before the Planning Commission detailing their thoughts on the issue. The neighbors appealing the SPARC decision felt that the plan approved by the Committee included changes that were not consistent with the plans approved by the Planning Commission. They felt that the changes made to the plans created additional impacts on their neighborhood, particularly the changes in the location and orientation of the classrooms, the addition of the restroom building and the relocation of the entry driveway. In response, VCMS stated that the changes were relatively minor in nature and were made to improve the overall project, improve student safety and provide a restroom facility for the school. They also stated that they were working around existing utilities on the site and trying to accommodate the preferences of the Church in terms of site modifications. After lengthy discussion, the Planning Commission took a vote on the appeal. The vote was 4-2 to deny the appeal and consequently the actions of the Site Plan and Architectural Review Committee stand.

Although the approval by SPARC was not overturned, the Planning Commission did make modifications to the approved SPARC plan. In addition to the conditions previously required by the Planning Commission and SPARC, the Planning Commission added the following conditions:

1) VCMS shall construct a 6-foot high fence along the entire Allen Street frontage of the school. The portion of the fence adjacent to the school buildings shall be a 6-foot high solid masonry fence. The masonry wall shall extend across the entire frontage of the school buildings, creating a visual screen between the buildings and Allen Drive. The remaining portion of the fence, extending from the north end of the masonry fence to the north property line of the school grounds shall be a 6-feet tall pained steel-tube fence with masonry pilasters every 16' on center. The area on the Allen Street side of the fence shall be planted with climbing vines and other types of landscaping to further screen the property. All fencing, landscaping designs, and planting material shall be subject to the review and approval of the Community Development Director.

2) The air-conditioner units on the ends of the modular buildings shall be covered with a screen wall as shown on the architectural elevations submitted to the Planning Commission. The walls shall be designed to visually screen the air-conditioners from Allen Drive and to provide some noise attenuation. The area adjacent to the screen shall be landscaped with climbing vines or other landscaping to provide further visual screening. The design of the screen wall, landscape design and planting material shall be subject to the review and approval of the Community Development Director.

3) The on-site circulation and parking area must be designed with the traffic flow moving in a counter clockwise direction. Both the entry and the exit to the school parking lot are to be located at the southern driveway, closest to Lodi Ave. A temporary barrier shall be placed across the center driveway to close this driveway during school hours. The parking lot must be re-striped to reflect the change in the traffic flow direction. This circulation and parking plan must be analyzed and approved by the Public Works Department. If the VCMS plan does not work, the Planning Commission will re-visit the issue.

4) Enhanced landscaping shall be installed in the planter area south of the school buildings between the two driveways to the parking area. The landscaping plan and planting material shall be subject to the review and approval of the Community Development Director.

5) All required conditions as imposed by the Planning Commission and SPARC shall be installed and completed prior to the classrooms being occupied by students for school purposes.

Following the Planning Commission's action approving a modified site plan and architectural elevations for the VCMS project, two different appeals were filed within the legal appeal period. The appeals are as follows:

1) Vineyard Christian Middle School is appealing Condition #5 (listed above) that requires all conditions be complied with prior to the opening of the school. VCMS proposes to open the school once the buildings and general site work are completed and be able to install the fencing and other site improvements, including landscaping, by an agreed upon date that may extend beyond the time of the opening of school.

2) A group of the neighbors are appealing the project based on several different issues that include:
    a. That changes made to the site plan violate the conditions of the original Use Permit.
    b. That a change in the traffic circulation pattern will create traffic issues for the neighborhood.
    c. That the applicant has made procedural violations in installing the classroom buildings and modifying the site that should void the Use Permit.

Based on the actions taken at the July 26, 2006 Planning Commission meeting, VCMS has submitted a revised plan that incorporates the 4 site plan conditions (listed above) required by the Planning Commission at their July 26 meeting. These include the required fencing along Allen Drive, the enhanced landscaping along the entire street frontage, the screening of the air-conditioners and a revised traffic circulation and parking design. VCMS also contracted with a traffic engineering consultant to prepare a traffic study based on the proposed circulation and parking design. This study will be completed and available as part of the staff presentation at the City Council meeting.

COUNCIL OPTIONS:

- Deny both appeals and confirm the Planning Commission's action of approval regarding the Use Permit. This is the recommended action.
- Approve the VCMS appeal, allowing the school to open while some work is still in progress.
- Approve the neighbors appeal and void all or a portion of the previous Planning Commission and SPARC approvals.

FISCAL IMPACT: None

FUNDING AVAILABLE: Not Applicable

_____
Randy Hatch
Community Development Director

Attachments:
1. Resolution
2. Background information

cc: City Attorney

RESOLUTION NO. 06-____

A RESOLUTION OF THE LODI CITY COUNCIL DENYING BOTH APPEALS AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S APPROVAL OF THE MODIFIED SITE PLAN AND BUILDING ELEVATIONS OF VINEYARD CHRISTIAN MIDDLE SCHOOL LOCATED AT 2301 WEST LODI AVENUE AND APPROVING A SIXTH MODULAR BUILDING, TRASH ENCLOSURE, FENCE AND LANDSCAPING (FILE #06-SP-06)

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WHEREAS, the City Council of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Appeals, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Vineyard Christian Middle School; and

WHEREAS, the proponent obtained a Use Permit from the Lodi Planning Commission for a private middle school on February 22, 2006; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Street; Lodi CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that proposes to occupy a portion of the church property; and

WHEREAS, Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on church property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, the existing youth center building located furthest north of the existing church classroom buildings shall be replaced with a newer modular building; and

WHEREAS, all legal prerequisites to the adoption of said Resolution have occurred; and

WHEREAS, the Planning Commission approved a Use Permit for the VCMS on February 22, 2006, said Use Permit was appealed and the City Council denied the appeal of the

Planning Commission approval of the use permit thereby reaffirming the decision of the Planning Commission granting the Use Permit; and

WHEREAS, the proponent obtained approval from the Lodi Site Plan and Architectural Review Committee (SPARC) on June 19, 2006 to certain modifications of the use permit; and

WHEREAS, an appeal of the decision of SPARC to approve the Site Plan, driveway and various architectural related elements of the project was filed with the Community Development Director via the City Clerks office in accordance with the Lodi Municipal Code, Section 17.81.070; and

WHEREAS, the Planning Commission heard the appeal on July 26, 2006 and denied the appeal, confirming the actions of SPARC, adding 5 additional conditions; and

WHEREAS, two appeals of the decision of the Planning Commission to approve a revised site plan, driveway and various architectural related elements of the project were filed with the City Clerk's office in accordance with Municipal Code, Section 17.81.070; and

WHEREAS, based upon the evidence within the staff report and project file, the City Council of the City of Lodi hereby finds as follows:

1. That the Lodi Planning Commission and the Lodi Site Plan and Architectural Committee acted within the scope of their authority in approving the plans of Vineyard Christian Middle School.

2. That the plans approved by SPARC were substantially consistent with the plans approved by the Planning Commission which were endorsed by the City Council and that the changes in the site plan were made to improve the operation of the school and increase student safety.

3. That the changes made in the site plan will not create any additional significant impacts on the neighborhood.

4. The denial of this appeal will not constitute any special treatment of privilege to the Vineyard Christian Middle School.

5. That the conditions placed on the project by both the Planning Commission and the Site Plan and Architectural Review Committee will reduce or eliminate many of the issues brought forth by the public during the public hearings.

6. That the improvements made on the property including the new fencing and landscaping required for the Allen Drive frontage will enhance the overall appearance of the property.

7. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.

8. That the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.

9. That the church property has sufficient available space to accommodate the five modular school buildings and a playground area.

10. That because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.

11. That the school can operate at this location without creating an adverse impact on the surrounding neighborhood.

12. That the 40 parking spaces on site with the additional 22 to 24 spaces curbside are expected to be adequate for both the school and church.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED, that the City Council upholds the original approval of the Site Plan and Architectural Review Committee and the added conditions of the Planning Commission (file number 06-SP-06), subject to the following conditions:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.

2. All construction shall be done with proper Building Department and Fire Department approvals and permits.

3. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.

4. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The approved onsite traffic circulation plan must be designed with the traffic flow moving in a counter clockwise direction. Both the entry and the exit to the school parking lot must be located at the southern driveway, closest to Lodi Ave. A temporary barrier must be placed across the center driveway to close this driveway during school hours. The parking lot must be re-striped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs. This circulation and parking plan must be analyzed and approved by the Public Works Department. If this plan is not feasible, the Planning Commission will re-visit the issue.

5. VCMS shall modify school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.

6. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition 5) with some allowance for additional time for special school events. No outdoor competitive sport events other than those

associated with physical education or normal school activities shall be held on-site.

7. VCMS shall coordinate its schedule of activities with Lodi Avenue Baptist Church to minimize scheduling conflicts.

8. VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. VCMS shall provide the family of each student a copy of the document and obtain their agreement to adhere to the requirements.

9. VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor shall make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.

10. VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.

11. VCMS shall provide parking for the physically disabled. The parking spaces shall be located as close as possible to the primary entrance of the school; and

    a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.

    b. The slope of a parking space shall not exceed ¼ inch per foot.

    c. Provide one van parking space.

12. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. Plans shall be submitted to the Community Development Department for approval.

13. VCMS shall provide an adequate number of garbage receptacles placed around the school campus. VCMS shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. VCMS shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.

14. VCMS shall construct a 6-foot high fence along the entire Allen Street frontage of the school. The portion of the fence adjacent to the school buildings shall be a 6-foot high solid masonry fence. The masonry fence shall extend across the entire frontage of the school buildings, creating a visual screen between the buildings and Allen Drive. The remaining portion of the fence, extending from the north end of the masonry fence to the north property line of the school grounds shall be a 6-foot tall painted steel-tube fence with masonry pilasters every 16-feet on

center. The area on the Allen Drive side of the fence shall be planted with climbing vines and other types of landscaping to further screen the property. All fencing, landscaping designs and plant material shall be subject to review and approval by the Community Development Director.

15. A detailed landscape plan shall be submitted to the Community Development Department for approval. The plan must provide for new landscaping along the Allen Drive frontage. The landscaping shall include a 24" to 30" high mounding feature along this frontage. The mound shall be planted with ground cover, shrubs and trees to provide a landscaped screening effect along the street. The landscape Plan and plant material shall be subject to review and approval by the Community Development Director.

16. The classroom buildings shall be given additional architectural treatment. The walls of the buildings will be painted to match the church buildings field color, currently a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted to match the church's trim color, currently an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings. All paint colors shall be subject to the review and approval of the Community Development Director.

17. The air conditioner units on the ends of the modular buildings shall be covered with a screen wall as shown on the architectural elevations submitted to the City. The walls shall be designed to visually screen the air-conditioners from Allen Drive and to provide some noise attenuation. The area adjacent to the screen shall be landscaped with climbing vines or other landscaping to provide further visual screening. The design of the screen wall, landscaping plan and plant material shall be subject to the review and approval of the Community Development Director.

18. Enhanced landscaping shall be installed in the planter area south of the school buildings between the two driveways to the parking area. The landscaping plan and plant material shall be subject to the review and approval of the Community Development Director.

19. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

20. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff

showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.

21. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately $2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

22. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused driveway shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.

23. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.

24. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.

25. VCMS shall obtain all required building and fire permits for any new work and shall obtain all required permits and pay established penalties for work already done without permits.

26. The conditions imposed by the Planning Commission and SPARC as set forth hereinabove shall be installed and completed prior to the classrooms being occupied by students for school purposes.

BE IT FURTHER RESOLVED, based on these findings, the City Council denies both appeals and upholds the decision of the Planning Commission and the Site Plan and Architectural Review Committee approving the modified plans of Vineyard Christian Middle School for a new school at 2301 West Lodi Avenue subject to said conditions of approval.

Dated: September 6, 2006

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I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

_____
JANICE D. MAGDICH
Deputy City Attorney

2006-____

Planning Commission
February 8, 2006
Staff Report and
Minutes

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE: February 8, 2006

APPLICATION NO: Use Permit U-05-020

REQUEST: The request of Lodi Avenue Baptist Church for approval of a Use Permit to allow operation of the Vineyard Christian Middle School on their property at 2301 W. Lodi Ave.

LOCATION: 2301 West Lodi Ave.
APN 029-130-31

APPLICANT: Lodi Avenue Baptist Church
2301 West Lodi Ave.
Lodi, CA 95242

PROPERTY OWNER: 1st Southern Baptist
2301 West Lodi Ave.
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Lodi Avenue Baptist Church to allow the Vineyard Christian Middle School to locate a private middle school on their church property at 2301 West Lodi Ave., subject to the conditions in the attached resolution.

SUMMARY

Lodi Avenue Baptist Church is proposing to locate a Christian middle school (six, seventh and eighth grade) on a portion of their church property at 2301 West Lodi Ave. The school, Vineyard Christian Middle School (VCMS), is currently located on the site of Woodbridge School, which is currently being remodeled. When the Woodbridge School remodel is complete, VCMS will need to relocate to a different site. Lodi Avenue Baptist Church has made available an unused portion of their property for the school. Before VCMS can relocate to this property, they will need to secure a Use Permit from the Lodi Planning Commission for the operation of a school. The school will operate Monday through Friday, from 8:30 am to 3:10 pm. The school has a student population of 75 that will be housed in five modular buildings that will be moved on to the site.

PROJECT/AREA DESCRIPTION

General Plan Designation: LDR, Low density residential.

Zoning Designation: R-1, residential single-family

Property Size: 2.64-acres.

The adjacent zoning and land use designations are as follows:

North: R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Glaves Park, a City park/basin.

South: R-1. The area to the south, across Lodi Ave. is single-family residential.

East: R-1. The area to the east, across Allen Drive is single-family residential.

West: PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

Vineyard Christian Middle School is an existing private 6th, 7th and 8th grade Christian middle school that is located on a temporary basis on the grounds of the Woodbridge School, a school site owned by the Lodi Unified School District (LUSD). The LUSD buildings on the site are being extensively remodeled to provide a modern elementary school facility. During the remodeling all the LUSD students have been relocated to other schools and no public school students are currently on site. The VCMS students are housed in modular classroom buildings located on a corner of the school property. The Woodbridge Elementary School is scheduled to reopen in the fall of 2006. When this happens, VCMS will have to relocate, and they have selected the Lodi Ave. Baptist Church property at 2301 West Lodi Ave. as their choice for a new school site. The VCMS is not directly affiliated with the Lodi Ave. Baptist Church and will only be leasing land from the church.

ANALYSIS

The Lodi Avenue Baptist Church is located on a 2.6-acre parcel of land at the northwest corner of Allen Drive and West Lodi Ave. The church and related Sunday school classrooms are located on the south half of the property. The north half of the property contains a portion of the church parking lot, an open lawn area and a church parsonage, which is located on the northern-most portion of the property. The Vineyard Christian Middle School will be located in the center of the property between the church and the church parsonage. The proposed site is partially paved and partially planted in lawn. The classrooms will be placed on the paved area which is currently part of the church parking lot and the lawn area will serve as the school playground. Placement of the school buildings on the paved area will result in the loss of approximately 14 parking spaces, leaving the church with approximately 47 parking spaces. The City's parking standards are based on one parking space required for every four seats in the church sanctuary. The Lodi Ave. Baptist Church has a sanctuary that seats 300 people. This requires 75 parking spaces. According to the church, their normal Sunday services are attended by 80 to 100 parishioners. Based on their actual attendance, they will have sufficient parking, even after the reduction in the number of parking spaces.

Vineyard Christian Middle School is proposing to place five modular buildings on the church site. Each of the buildings is 20'x 40' in size. Four of the units will be classrooms and the fifth unit will house an office and restroom facilities. The five buildings will be arranged in a U-shape facing south. The grass area to the north of the buildings will serve as outdoor play areas. There will also be some paved play areas adjacent to the classrooms. Parking for the 5 staff members will be provided adjacent to the school. A 5-foot high fence will be constructed along the east side of the school to provide a separator between the school and Allen Drive.

According to their application, VCMS has a student population of 75 middle-school students who attend school from 8:30 am to 3:10 pm. Monday through Friday on a traditional school calendar.

For a period of one-half hour before and after school, students are regularly dropped off or picked up by parents or guardians. A regular school day includes seven 45-minute class periods, a 15-minute morning break, and a 45-minute lunch period. Students eat lunch outside on picnic tables or in the class rooms. The school is a closed campus. The school does offer a sports program but most practices and games are held off-site at other Lodi facilities. The application states that activities conducted before or after the hours of 8:00 am or 4:00 pm are typically held off campus.

The school will operate during daytime hours, Monday through Friday. By contrast, the church is most active on weekends, particularly on Sundays and on certain weekday nights. Because the facilities operate on different schedules, there should be minimal conflict between the church and the school. According to the site plan there is sufficient space on the Lodi Avenue Baptist church property to accommodate the school without significantly impacting the church. The area that the school will occupy is currently unused by the church and will not affect their operations.

The church property is located on the corner of Lodi Ave. and Allen Drive. Lodi Ave. is a major east-west arterial serving much of central Lodi and has an average daily vehicle trip count of 6,900 vehicles per day. Lodi Avenue along with Allen Drive will provide the access to the school site. Allen Drive has an average daily trip count of 761, fairly typical for a residential street. Figures provided by the school indicate that the school will have 75 students and 5 employees. Using data from the Institute of Traffic Engineers (ITE), middle schools generate 1.6 vehicle trips per students/employees. The school could generate 130 additional daily vehicle trips. It is likely that some students will carpool, walk or bike to school, reducing the number of vehicle trips. The increase in traffic volume will probably be most noticeable on Allen Drive. The impact of the additional vehicles will be lessened to some degree by the fact that the school site is near the intersection of Lodi Ave. so many of the vehicle trips will only travel one or two blocks of Allen Drive. While the additional vehicle trips may be noticeable to neighbors, particularly the 5 or 6 houses that are directly across from the church property, an increase of 130 vehicle trips on Allen Drive is still within the acceptable traffic volume for a residential street.

The school will have some buffering from surrounding properties. The properties most directly affected will be the 6 corner parcels along the east side of Allen Drive directly across the street from the church property. They will experience some increase in traffic on Allen Drive adjacent to their properties and an increase in the level of activity on the church property, including noise as a result of the presence of the school. Properties to the south will be buffered by the existing church buildings on the property as well as Lodi Ave., a four-lane street that separates them from the church property. The property to the west is an adult residential community. They are separated from the church property by a six-foot high block wall. The block wall surrounds their complex on three sides and is higher along Lodi Ave. and Lower Sacramento Road. Because of the wall and the fact that their entrance is on Lodi Ave., they will not be directly affected by the increased traffic or be visually affected by the increase in the level of activity created by the school. They may experience some increase in noise although it will be limited to day time hours and primarily during periods when the students are outside of the classrooms.

The block wall separating the properties will reduce the noise levels and there are numerous trees planted on both sides of the fence that visually screen the school site from the houses to the west.. To the north, there is a church parsonage, a private seasonal swim club facility and a City park/basin. Only the church parsonage will be affected to any degree and presumably the church has considered this before making the site available to the school. Overall, the school will be buffered as well as most school sites in Lodi. Almost all schools in Lodi are located in residential areas and most have residences that face, side or rear to the school property. Schools are a permitted use in residential zones with approval of a Use Permit. In most cases the schools, particularly the public schools, have a much larger student population and a much larger campus. Generally speaking, schools and neighborhoods seem to coexist and the sponsors of the Vineyard

Christian Middle school seem willing to address any problems that may come up once the school is in operation.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an "In-fill Project", less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE

Legal Notice for the Use Permit was published on January 28, 2006. 62 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

David Morimoto
Senior Planner

Concurred,

Randy Hatch
Community Development Director

ATTACHMENTS
1. Vicinity Map
2. Site Plans
3. Aerial photo
4. Draft Resolution

RH/pp/dm/kc

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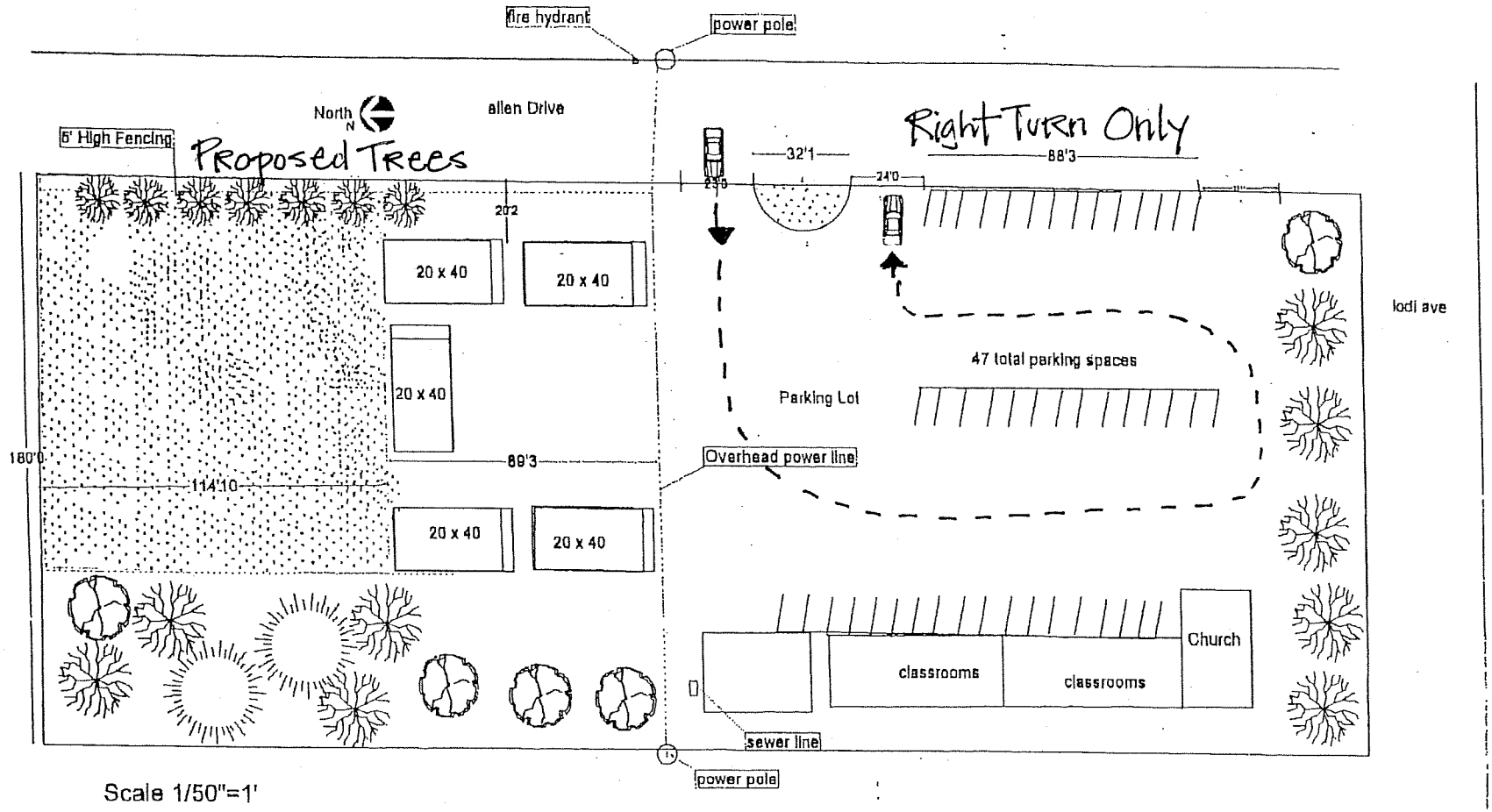
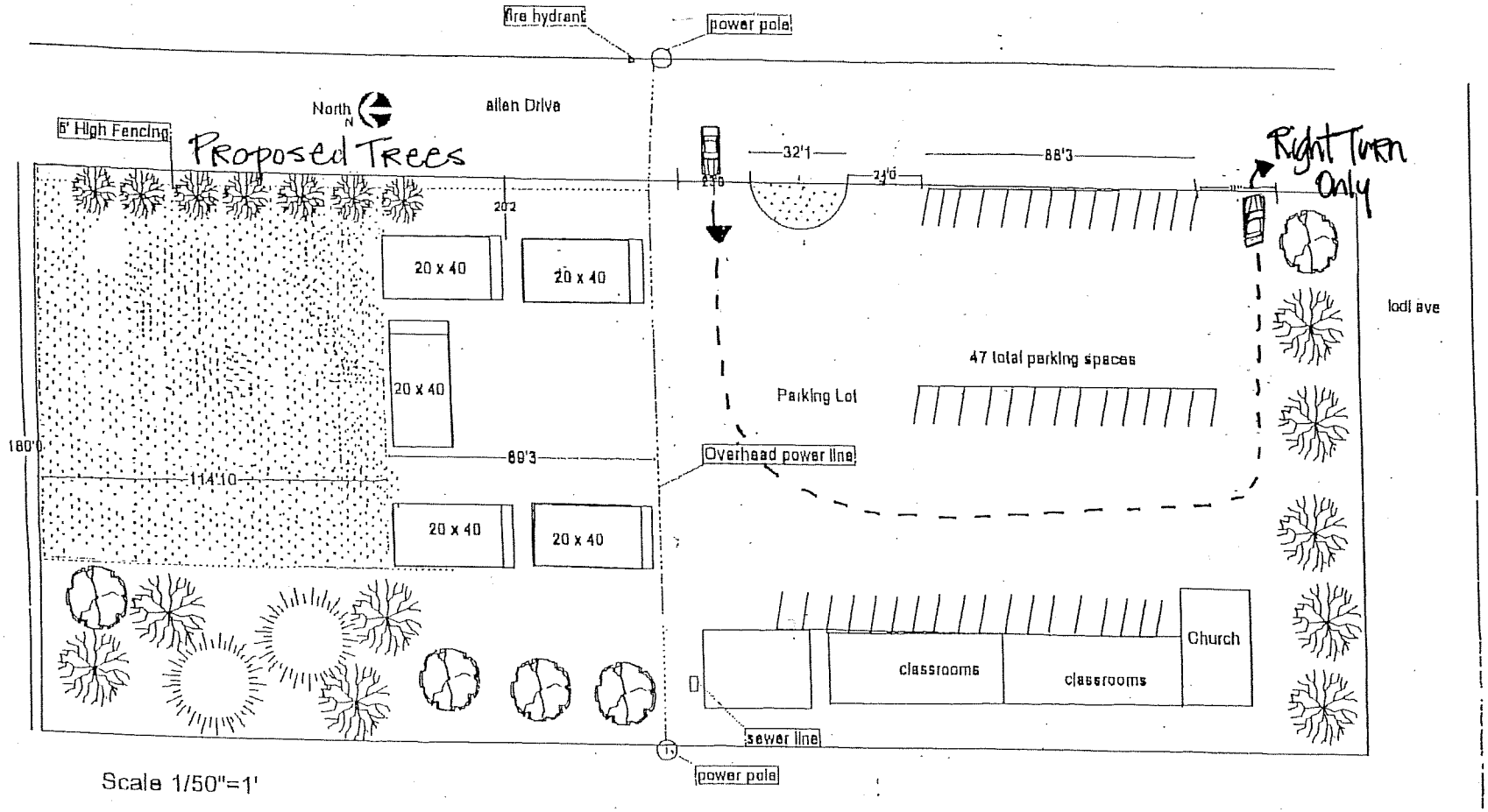


Scale 1/50"=1'

Exhibit 13



Scale 1/50"=1'

Exhibit A

ATTENTION

VINEYARD CHRISTIAN MIDDLE SCHOOL FAMILIES!

IMPORTANT PARKING LOT INSTRUCTIONS

Beginning immediately, note the following directions for parking lot procedures:

- Please use the **PARKING LOT ONLY** for pickup and drop-off of students. **DO NOT** park or stop on Allen Drive.
- Please enter the school parking lot from Allen Drive. Access the parking lot from the **NORTH** driveway only.
- Proceed into the parking lot, heading due west, following the circular flow of traffic– as indicated on the attached map.
- **DO NOT** stop in the flow of traffic...pull into a parking spot and park!
- During morning drop off, students are to exit the cars **ONLY** after they are parked, and proceed to the campus. Students will be assisted by parking lot attendant.
- After school, students will wait on campus. With the assistance of the parking lot attendant, students will access **ONLY** parked vehicles.
- When exiting the parking lot, pull back into the flow of traffic and exit from the **SOUTH** driveway **ONLY**- as indicated on the attached map. When entering onto Allen Drive, make a **RIGHT TURN ONLY**.
- Proceed south on Allen Drive to Lodi Avenue.

Please keep traffic on Allen Drive to a minimum. Access to VCMS between the hours of 8:00 a.m. and 4:00 p.m. is limited to the parking lot. Thank you for your cooperation in the matter.

RESOLUTION NO. P.C. 06-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI AVENUE BAPTIST CHURCH FOR A USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI AVENUE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Lodi Avenue Baptist Church; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Avenue, Lodi, CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school that would like to occupy a portion of the church property; and

WHEREAS, the Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, Vineyard Christian Middle School operates Monday through Friday on a traditional school schedule; and

WHEREAS, the school anticipates that most extra-curricular events; including athletic programs, practices and games will be held off-site at other local facilities; and

WHEREAS, the Vineyard Christian Middle School is a closed campus and students will not leave campus during school hours with out permission of the school administration; and

Based upon the evidence within the staff report and project file by the Planning Commission of the City of Lodi makes the following findings:

1. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no habitat and no significant impacts are anticipated and no mitigation measures have been required.

2. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.

3. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.

4. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and be able to share the property.

5. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.

6. It is determined that the 47 parking spaces on site are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, that Use Permit Application No. U-05-020 is hereby approved, subject to the following conditions:

A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior any building being permanently located on the property.

B. All construction be done with proper Building Department and Fire Department approvals and permits.

C. The parking lot be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.

D. The VCMS monitor the morning and evening drop-off and pick-up periods to assure that traffic flow on and off the site is safe and does not adversely affect traffic flow on adjacent streets.

E. The VCMS provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.

F. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.

G. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $52,420.50. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 75 students, 5 full time equivalent (FTE) employees, a building area of 4,000 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

H. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.

The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, we estimate the cost to be approximately $2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public

Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

I. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

J. The VCMS shall construct a fence (the design to be approved by the Community Development) along the east side of the school as a separator between the school and Allen Drive.

K. The regular school hours shall be Monday – Friday approximately 8:30 am to 3:10 pm with some allowance for additional time for school events and no outside practices or games other than those associated with physical education shall be held on-site.

Dated: February 8, 2006

I hereby certify that Resolution No. 06-05 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 8, 2006 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Secretary, Planning Commission

LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 8, 2006

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 8, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Senior Planner David Morimoto, Planner Manager Peter Pirnejad, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

a) None

Note: Item "b" was heard first.

3. PUBLIC HEARINGS

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider The request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue. (File#: U-05-020, Applicant: Lodi Avenue Baptist Church) CEQA Status: Exempt Resolution #: P.C. 06-05.

David Morimoto, Senior Planner, reported that The Vineyard Christian Middle School (VMCS) is an existing school that is located on the Woodbridge Middle School grounds. In the fall of 2006 the LUSD plans to open the campus again as a grade school and therefore the private school is in need of a new home. The site they have selected is Lodi Avenue Baptist Church property. The Church is surrounded by single family homes on the east, south and west sides and to the north is a community pool and Glaves Park. VMCS would like to locate the buildings in the middle section of the parcel. The zoning ordinance does allow for a school in residential neighborhoods with a Use Permit. They would like to open at the 2301 West Lodi Avenue address in the fall of 2006. They operate Monday through Friday on a standard school calendar during the hours of 8:30 – 3:10 p.m. with a half hour before and after for drop offs and pickups. They would like to locate five modular buildings in the center of the property. Three of the buildings will be used for classrooms, one for a multi-purpose room, and the fifth will be a combination of office and restrooms. They will be a tenant leasing the area from the church not an affiliate of the church. There will be no sporting events held on the premise other than regular PE activities. A five foot fence will be put along Allen Drive to help secure the school area from Allen Drive.

In response to Chair Heinitz, Mr. Morimoto stated that the fence would start at the north end and come down to the parking lot area. The applicant hasn't indicated what style of fence they plan on putting up.

In response to Commissioner Cummins, Mr. Morimoto stated that the current parking is sufficient for the current church attendance but would fall short if the church was filled to capacity. There is parking available on the street but that is not used to meet required parking.

In response to Commissioner Moran, Mr. Morimoto stated that the traffic on Lodi Avenue would not be significantly affected but Allen Drive would get an increase of 130 vehicle trips per operating day. Paula Fernandez in the Public Works department didn't feel that the traffic in the intersection would be significant. Public Works did anticipate having to post for a school zone and the painting of crosswalks.

In response to Chair Heinitz, Mr. Morimoto stated that there is not a requirement for the amount of grass area that a school has to have. It would be possible to push the modulars back further onto the grass area to allow more parking if necessary.

In response to Vice Chair Kuehne, Mr. Morimoto stated that the traffic department didn't indicate that there was a problem given the amount of accidents.

In response to Commissioner Moran, Mr. Morimoto stated that the applicants have indicated that they will be moving the dumpsters so the flow of traffic in and out of parking lot would be more cohesive. Randy Hatch, Director, added that the final plans are not before the Planning Commission because the design process will go to SPARC if the Use Permit is approved.

Mr. Morimoto mentioned that the Community Development Department received three letters in protest of the project and they have been copied for the Commissioners. He also went through photos taken of the property and the surrounding areas.

In response to Commissioner White, Mr. Morimoto stated that there are seventy five students currently enrolled in the school.

Hearing Opened to the Public

- George Lepart, representative for Vineyard Christian Middle School, read a letter in support of the school from Pat Patrick, Chamber of Commerce. The church and LUSD have had a very good relationship. The School has made many improvements to the current site and plan to do the same to the project site. A chain link fence does not meet the standards for this school and has not been an option in the design process. Mr. Lepart shared some future design ideas shone on design boards.

In response to Commissioner Cummins, Mr. Lepart stated that there could only be a maximum of 84 total students which works out to be 28 students per grade.

In response to Vice Chair Kuehne, Mr. Lepart stated that the School meetings/Chapel will be held in one of the modular buildings and Vinewood Community Church has agreed to be their home sports complex. The student teacher ratio will not increase. He also stated that the flow of the drop off and pick up will be whatever it needs to be to work cooperatively with the surrounding neighborhood and staffs recommendations. The School start and stop times can be modified to work along with the times of St. Peters School.

In response to Chair Heinitz, Mr. Lepart stated that the modulars will be removed when the addition to the church is made.

In response to Commissioner Haugan, Mr. Lepart stated that the cost is not something that the school is worried about at this time. The results that are seen in the students that come from the school are what make it worth the effort. Previously used modulars are what will probably be used on the site, but regardless of what is used they will be made to be sightly and tidy.

Pastor Mike Abdollahzadeh, Senior Pastor of Lodi Avenue Baptist Church, came forward to express the support of the church officials and the congregation for this project.

In response to Chair Heinitz, Pastor Abdollahzadeh stated that he had approached some of the neighbors that were out walking and it was not well received. He also stated that some of the school board members also went in small groups around the neighborhood, but was not aware of the results of that outing.

Paula Peterson, 2224 Jackson Street, came forward to express her reluctants to have the school in her neighborhood because of the traffic issues. She and her husband walk everyday and see the way the parents drive. Her husband was hit by one of the "responsible" parents dropping off their child at St. Peters. The traffic is already bad and will be an issue. Mrs. Peterson also expressed her concern with the lack of area that the students have for physical education. She would also like to know where the students will be eating their lunches.

Linda Reichert, 2219 West Walnut Street, came forward to express her reluctance to have the school in the neighborhood because of the traffic and the lack of facilities for the students to eat their lunch and have some recreation area. The grass area along the fence is currently used by the cats in the neighborhood for hunting and for a sandbox. It is not sanitary for children. It is also an ankle breaker with all the pot holes that are there. Her other concerns are regarding landscaping, the type of fencing and the entire look of the area after the modulars are placed on the property. Chair Heinitz reassured her that this would not be the final step in the process for the school. They will still have to go before the SPARC Committee for a site plan review. She would also like everyone to keep in mind that this school is not a neighborhood school in so far as the students attending the school are not from the neighborhood which means that all the students will have to be driven to and from the school.

In response to Vice Chair Kuehne, Mr. Lepart stated that the lunch area will be outside in good weather and in the portables when the weather is poor.

Public Portion of Hearing Closed

- In response to Commissioner Haugan, Mr. Hatch stated that the Public Works Department has taken into account the information regarding the traffic that already exists. He also stated that there will be 47 parking spaces left for cars after the modulars have been put into place and that there will be space available for picking up the children during bad weather.

Commissioner Cummins stated that all schools have traffic issues. The school is a positive move toward meeting our infill needs. He is also comfortable with SPARC handling the aesthetics of the project.

MOTION:

Commissioner Cummins motioned, Heinitz second for the purpose of discussion only to approve the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue.

Discussion on the motion:

Chair Heinitz stated that he is a big supporter of the people coming out and stating their opinion. He has a big concern with the traffic issue because like Mrs. Reichert said this is not a neighborhood school and that will mean up to an additional seventy-five cars twice a day on that street.

Motion never went to vote.

MOTION:

Vice Chair Kuehne motioned, Cummins second to add an amendment to the original wording to modify condition, Item K with a start time of 8:30 a.m. to a finish time of 3:05 p.m.

Under discussion on the motion:

Commissioner Haugan would like to see the project happen but would like to see the request continued with additional work by staff to see if something can be done with the traffic issue to help gain the support of the people that live there, but as the motion stands now he would have to vote no.

In response to Commissioner Cummins, Mr. Hatch stated that the Public Works Department determined that the increase in traffic would not be significant over and above the current pattern. Staff can go back and request further information if that is helpful to satisfy everybody's concerns. Mr. Hatch also stated that the intersection does not warrant a traffic light.

Commissioner Moran would have to vote no at this point. She would like more information from Public Works regarding the traffic issue.

The motion failed by the following vote:

Ayes: Commissioners – Kuehne and Cummins
Noes: Commissioners – Haugan, Moran, White, and Chair Heinitz
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Haugan, Kuehne second, to continue the Item to the meeting of February 22, 2006.

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

The motion to continue carried.

b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider The request for approval of a Tentative Parcel Map to allow an existing office building to be divided into a six-unit office condominium at 1745 West Kettleman Lane. (File#: 05-P-009, Applicant: Western Professional Buildings)
CEQA Status: Exempt Resolution #: P.C. 06-06

David Morimoto, Senior Planner, reported that this item had a related item before the Planning Commission last year when the lot was created. A six unit office building has been constructed and the offices were designed to be six separate units with separate entries under one single owner. The idea now is to create six separate office condominiums with six separate owners with an association to manage the property (e.g., landscaping, repairs, etc.). The parcel would be owned in common by all the owners of the condos. The property is surrounded by other offices and single-family residents.

In response to Chair Heinitz, Mr. Morimoto stated that the offices were constructed with a potential property line wall. The building code does not treat this type of condo the same

as a residential condo. The Buyers will have to go through the Department of Real Estate for CC&R's.

In response to Commissioner Haugan, Mr. Morimoto stated that the CC&R's would cover the agreement of who takes care of the grounds. Randy Hatch, Community Development Director, stated that there is a condition in the resolution (section 4) that gives City staff the opportunity to review and modify the CC&R's if necessary to insure property maintenance.

Hearing Opened to the Public

- Brian Gorbet, Dillon and Murphy Engineers, came forward to answer questions and stated that he concurred with Staffs findings.

Public Portion of Hearing Closed

- No Commission Discussion

MOTION / VOTE:

The Planning Commission, motion of Commissioner Haugan, Moran second, to approve the request for approval of a Tentative Parcel Map to allow an existing office building to be divided into a six-unit office condominium at 1745 West Kettleman Lane. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

4. PLANNING MATTERS

A new section that will be appearing from time to time will be "Planning Matters" it will consist of articles and information that might be of interest.

Mr. Hatch reported on current larger planning projects. There has been forward movement in the Frontiers EIR, a draft is expected in March. The Blue Shield/Reynolds Ranch NOP is out for comment and in another month or so we will have an EIR for that.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Next week council will hold the Miller Ranch Public Hearing.
Mayor Pro Tempore Johnson asked to re-visit the Council authorization to get proposals to hire a consultant regarding the greenbelt issue.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Haugan asked if the Commission should have a CEQA desk book. Mr. Hatch responded that there are many books and manuals available but the best place for the Commissioners to get information is at the Monterey Conference.

Janice Magdich invited the Commissioners to participate in the Centennial Cookbook that the City is putting together.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:45 p.m.

ATTEST:

Randy Hatch
Community Development Director

Planning Commission
February 22, 2006
Staff Report and
Minutes

CITY OF LODI
PLANNING COMMISSION
Supplemental Staff Report

MEETING DATE:	February 22, 2006
APPLICATION NO:	Use Permit U-05-020
REQUEST:	The request of Lodi Avenue Baptist Church for approval of a Use Permit to allow operation of the Vineyard Christian Middle School on their property at 2301 W. Lodi Ave.
LOCATION:	2301 West Lodi Ave. APN 029-130-31
APPLICANT:	Lodi Avenue Baptist Church 2301 West Lodi Ave. Lodi, CA 95242
PROPERTY OWNER:	1st Southern Baptist 2301 West Lodi Ave. Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Lodi Avenue Baptist Church to allow the Vineyard Christian Middle School to locate a private middle school on their church property at 2301 West Lodi Ave., subject to the conditions in the attached resolution and any of the attached supplemental conditions.

SUMMARY

Lodi Avenue Baptist Church is proposing to locate a Christian middle school (six, seventh and eighth grade) on a portion of their church property at 2301 West Lodi Ave. The school, Vineyard Christian Middle School (VCMS), is currently located on the site of Woodbridge School, which is currently being remodeled. When the Woodbridge School remodel is complete, VCMS will need to relocate to a different site. Lodi Avenue Baptist Church has made available an unused portion of their property for the school. Before VCMS can relocate to this property, they will need to secure a Use Permit from the Lodi Planning Commission for the operation of a school. The school will operate Monday through Friday, from 8:30 am to 3:10 pm. The school has a student population of 75 that will be housed in five modular buildings that will be moved on to the site.

PROJECT/AREA DESCRIPTION

General Plan Designation:	LDR, Low density residential.
Zoning Designation:	R-1, residential single-family
Property Size:	2.64-acres.

The adjacent zoning and land use designations are as follows:

North: R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Glaves Park, a City park/basin.

South: R-1. The area to the south, across Lodi Ave. is single-family residential.

East: R-1. The area to the east, across Allen Drive is single-family residential.

West: PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

At the Planning Commission meeting of February 8, 2006, a public hearing was held to consider the request of the Lodi Avenue Baptist Church for a Use Permit to allow the Vineyard Christian Middle School to locate their school on the Church property. At the meeting, several neighbors of the Church spoke to express their objections to the proposed school being placed on this property. The issues the neighbors were most concerned with are as follows:

1). Traffic on Allen Drive.

Neighbors were concerned that the proposed school will generate additional traffic on Allen Drive. They indicated that Allen Drive was a residential street with relatively low traffic volumes. They were concerned that the addition of 75 students and 5 staff would impact the street and neighborhood, particularly during morning and afternoon pick-up and drop-off periods. They also felt that the problem was compounded by the nearby St. Peters Lutheran School located at the corner of Oxford Way and Lower Sacramento Road. They felt that many of the parents of students at St. Peters also used Allen Drive to come and go from that school. They felt the combination of traffic from both schools would create a hazardous situation on Allen Drive.

2). Increased activity, noise and litter as a result of the school being located on this property.

Neighbors were concerned that the school will generated more activity on the church property relative to what was there now. They felt that the church was a relatively unobtrusive use, with activity primarily on Sundays and during special events at the church. The school will have students on site Monday through Friday, 9 months a year. They felt that the added presence of students would create noise and litter that will affect the neighborhood.

3). Aesthetic concerns.

Neighbors were concerned about the visual effects the school would have on the neighborhood. The applicant's are proposing to move 5 modular buildings onto the property. These will include 4 classrooms buildings and one office building. The neighbors expressed concern about the appearance of the buildings and how they would look from their residences across Allen Drive. They noted that the property is open along the Allen Drive frontage and there is no fence or other type of screening. There are only a limited number of trees planted along Allen Drive and no shrubs or other landscaping that could serve to screen the property.

ANALYSIS

Staff has reviewed the concerns expressed at the meeting and has the following comments:

1). Traffic.

Based on our calculations, the school could generate 130 additional vehicle trips per day. This would be in addition to the current volume of 761 vehicle trips per day on Allen Drive. The capacity of Allen Drive is approximately 2000 vehicle trips per day. Even with the addition of the school traffic, the potential total of 900 vehicle trips will be less then 50% of the design capacity for Allen Drive. In our estimation, the added traffic will not significant impact the capacity or the safety of traffic on Allen Drive.

While the added traffic will not be an engineering issue, staff acknowledges that the neighbors, particularly those immediately adjacent to the school site will notice an increase in traffic. This will be most noticeable during the pick-up and drop-off periods. The perceivable change is compounded by the fact that traffic volumes on Allen Drive are relatively low so any increase is noticeable. It is possible that over time the neighbors will become accustom to the school traffic and the additional traffic will become less noticeable. In staff's opinion, the additional traffic generated by the school is not so much an engineering issue of traffic safety or congestion but more of an issue of perception by the neighborhood and the public. The street clearly has the capacity to safely handle the anticipated traffic volumes generated by the school. Whether the possible effects on the neighborhood are acceptable is more of a policy issue then a traffic engineering issue. The City and the applicants would like to explore every reasonable alternative to try to reduce the traffic effects on the neighborhood. Staff has worked with the school to try to come up with ideas that may help the situation. The following options are put forth for consideration:

a) Rearrange the driveway layout and the travel route of vehicles entering and exiting the school property. Two alternatives are been suggested to the original driveway proposal. Alternate 1 (Exhibit A) is to require vehicles to enter the school grounds at the northern most drive way. Vehicles will proceed to a designated area, to pick-up or drop-off their student and proceed south through the parking lot and exit at the southern most driveway, turning right onto Allen Drive. Under this alternative, the center driveway will be temporarily closed during school hours. Alternate 2 (exhibit B) will have the vehicles entering the northern-most driveway then proceed to the drop-off zone. The vehicles will then loop around the entire parking lot and will exit the property at the center driveway, making a right hand turn onto Allen Drive. Under this alternative, the southern most driveway would be temporarily closed during school hours. Under both alternatives, new on-site signing would be required to designate the path of travel for vehicles and to designate the right-turn-only at the exit driveway.

   Both alternatives provide increased vehicle stacking room on-site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. Requiring that exiting vehicles only turn right on Allen Drive will mean that most vehicles will only travel a short distance on Allen when exiting the property and that there will be fewer conflicts with passing traffic. Alternative 1 will further reduce the impact by having the vehicles exit at the driveway closest to the Lodi Ave. intersection. This will further limit the distance exiting vehicles

will travel on Allen Drive. This alternative will also spread the vehicles over two more widely separated driveways instead of concentrating then at the center of the property.

b) The VCMS has also suggested the following methods that they feel will help alleviate the traffic situation:

i. One is to stagger their school start and finish times with St. Peters Elementary School, to reduce the amount of overlap. VCMS will be willing to start either earlier or later then St. Peters, depending on what works better for each school. This will reduce the concentration of traffic and spread it out over a slightly longer time span.

ii. Another suggestion made by VCMS is to have an adult traffic monitor onsite every morning and afternoon during drop-off and pick-up times. This person will monitor the traffic flow and work with parents to get students on and off the property safely and with minimal conflicts with passing street traffic. This person would also monitor the students to make sure they get to class safely.

iii. Finally VCMS has created a parking lot instruction sheet (exhibit c) that they will hand-out to each school family. The sheet contains the procedure for the pick-up and drop-off of students. This includes the requirement that during both drop-off and pick-up vehicles must be in a parking space before students may exit or enter the vehicle. They are also planning to require that all drop-offs and pick-ups be made from vehicles that are in the parking lot. Students can not exit or enter vehicles parked on Allen Drive.

2). <u>Addressing the question of increased activity on the property and the related potential for noise and litter.</u>

a) There is no question that the VCMS will bring more people onto the property. This problem is somewhat off set by the limited number of students (75) enrolled in the school and the limited number of grades (3 class rooms). Unlike larger schools that have multiple lunch periods and P.E. or recess periods that stretch throughout the day, VCMS will have a single break in the morning and a single lunch period. The rest of the time, students will be in the class room. Additionally, the school will be a closed campus so students will not be leaving campus to eat lunch. The closed campus and the single lunch period will reduce the impacts on the surrounding neighborhood by limiting the time students are outside of the classroom. Having a closed campus will also make it easier to monitor any potential litter problem. School supervisors can make sure students put their lunch litter in designated garbage cans. Also students will not be out in the neighborhood during lunch periods.

Having students on the site will increase the ambient noise level during school hours. There will be some increase in noise during drop-off and pick-up periods and when students are outside the class room. This is a relatively quiet neighborhood so it is possible that nearby neighbors will hear some increased level of noise. What level of disturbance they will experience is hard to quantify. Generally school related noise is not considered an unusual noise source by the City's Noise Ordinance. Schools have historically been considered part of residential neighborhoods and are permitted by the City Zoning Ordinance in residential zones. Almost all schools in Lodi as well as in

other cities are located in residential areas. Schools and their related noises have traditionally been accepted as part of the every day activity of communities. VCMS will not have school buses or traditional sports fields so they will generate less noise then most schools.

VCMS can reduce the potential noise problems by monitoring vehicles entering and exiting the school property. Vehicles should avoid using their car horn or playing loud stereos. Students can also be monitored to avoid unnecessarily loud noises when they are outdoors.

3). Aesthetics.

a) In order to improve the appearance of the proposed school site, one of the conditions of approval will be that the project be reviewed by the Site Plan and Architectural Committee (SPARC). The Committee can require the applicant to add various features to their project to improve the overall appearance of the project. This could include fencing; additional landscaping, especially along Allen Drive; changes in the color or appearance of the buildings; parking lot improvements and other site related changes that the Committee feels will improve the design of the school.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an "In-fill Project", less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

David Morimoto
Senior Planner

Concurred,

Randy Hatch
Community Development Director

ATTACHMENTS

1. Original staff report
2. Exhibits
3. Vicinity Map
4. Draft Resolution & Supplemental Conditions

RH/pp/dm/kc
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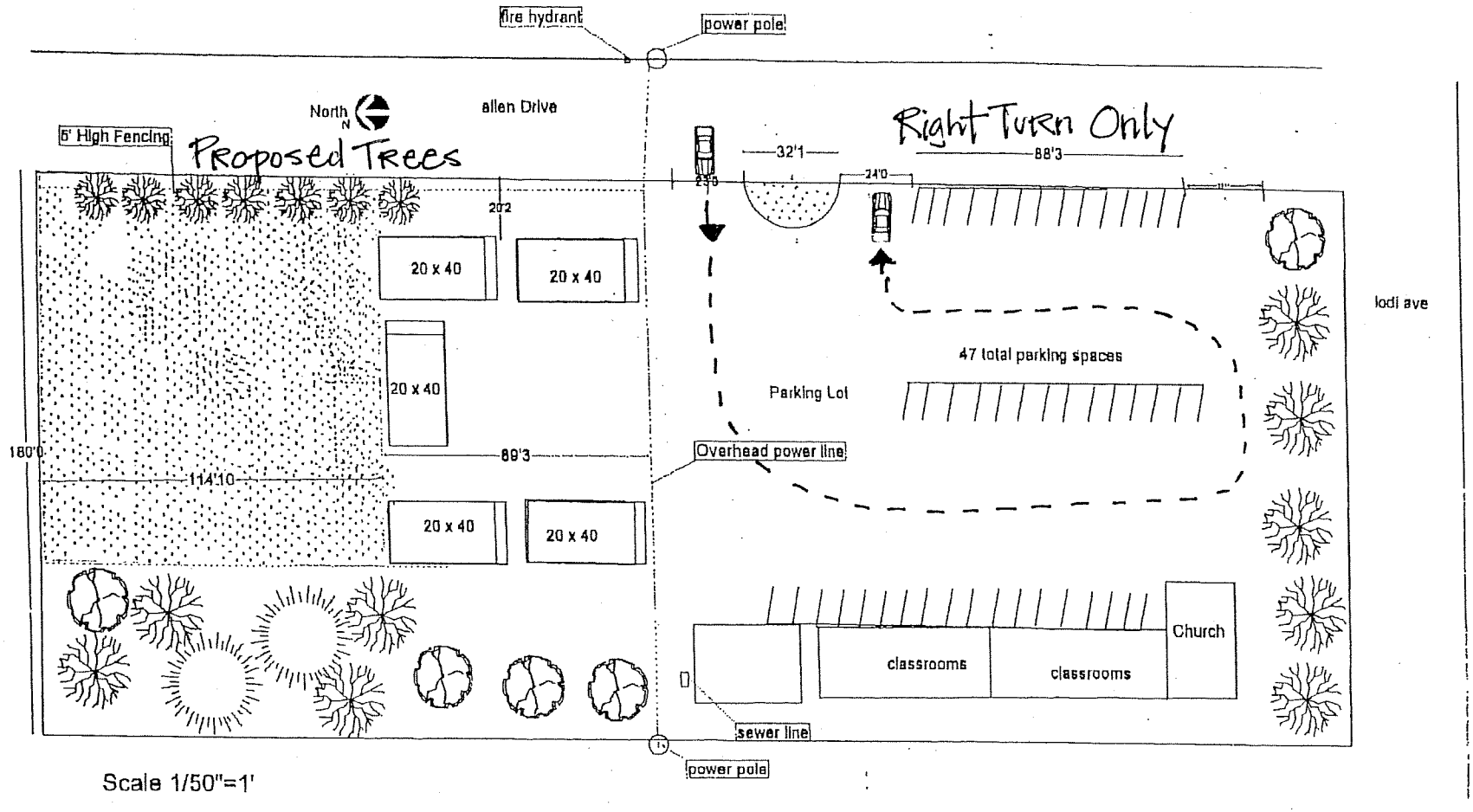

Scale 1/50"=1'

Exhibit B

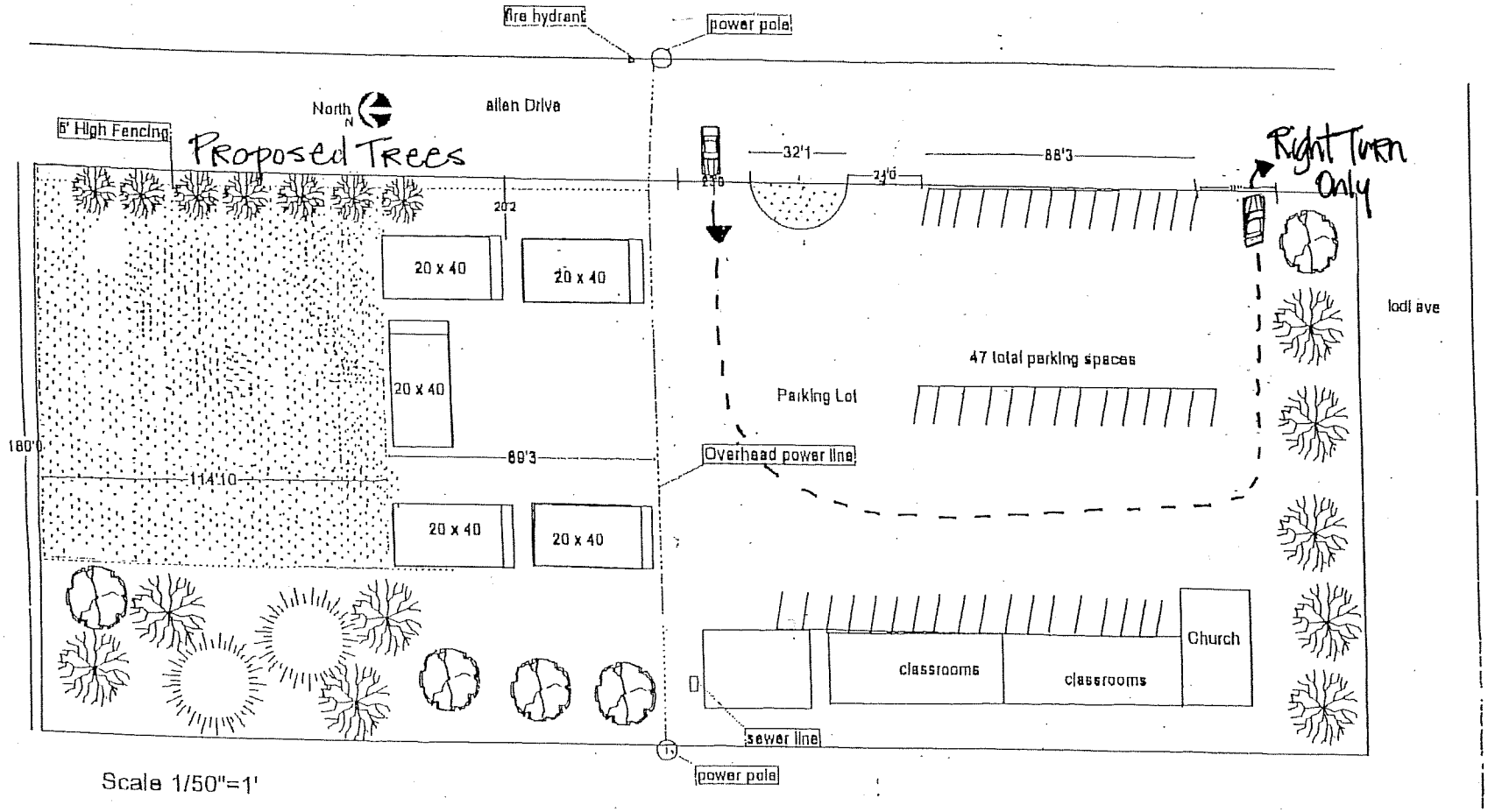

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Exhibit A

ATTENTION

VINEYARD CHRISTIAN MIDDLE SCHOOL FAMILIES!

IMPORTANT PARKING LOT INSTRUCTIONS

Beginning immediately, note the following directions for parking lot procedures:

- Please use the **PARKING LOT ONLY** for pickup and drop-off of students. **DO NOT** park or stop on Allen Drive.
- Please enter the school parking lot from Allen Drive. Access the parking lot from the **NORTH** driveway only.
- Proceed into the parking lot, heading due west, following the circular flow of traffic– as indicated on the attached map.
- **DO NOT** stop in the flow of traffic...pull into a parking spot and park!
- During morning drop off, students are to exit the cars **ONLY** after they are parked, and proceed to the campus. Students will be assisted by parking lot attendant.
- After school, students will wait on campus. With the assistance of the parking lot attendant, students will access **ONLY** parked vehicles.
- When exiting the parking lot, pull back into the flow of traffic and exit from the **SOUTH** driveway **ONLY**- as indicated on the attached map. When entering onto Allen Drive, make a **RIGHT TURN ONLY**.
- Proceed south on Allen Drive to Lodi Avenue.

Please keep traffic on Allen Drive to a minimum. Access to VCMS between the hours of 8:00 a.m. and 4:00 p.m. is limited to the parking lot. Thank you for your cooperation in the matter.

RESOLUTION NO. P.C. 06-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI AVENUE BAPTIST CHURCH FOR A USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI AVENUE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Lodi Avenue Baptist Church; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Avenue, Lodi, CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school that would like to occupy a portion of the church property; and

WHEREAS, the Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, Vineyard Christian Middle School operates Monday through Friday on a traditional school schedule; and

WHEREAS, the school anticipates that most extra-curricular events; including athletic programs, practices and games will be held off-site at other local facilities; and

WHEREAS, the Vineyard Christian Middle School is a closed campus and students will not leave campus during school hours with out permission of the school administration; and

Based upon the evidence within the staff report and project file by the Planning Commission of the City of Lodi makes the following findings:

1. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no habitat and no significant impacts are anticipated and no mitigation measures have been required.

2. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.

3. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.

4. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and be able to share the property.

5. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.

6. It is determined that the 47 parking spaces on site are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, that Use Permit Application No. U-05-020 is hereby approved, subject to the following conditions:

A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior any building being permanently located on the property.

B. All construction be done with proper Building Department and Fire Department approvals and permits.

C. The parking lot be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.

D. The VCMS monitor the morning and evening drop-off and pick-up periods to assure that traffic flow on and off the site is safe and does not adversely affect traffic flow on adjacent streets.

E. The VCMS provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.

F. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.

G. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $52,420.50. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 75 students, 5 full time equivalent (FTE) employees, a building area of 4,000 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

H. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.

The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, we estimate the cost to be approximately $2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public

Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

I. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

J. The VCMS shall construct a fence (the design to be approved by the Community Development) along the east side of the school as a separator between the school and Allen Drive.

K. The regular school hours shall be Monday – Friday approximately 8:30 am to 3:10 pm with some allowance for additional time for school events and no outside practices or games other than those associated with physical education shall be held on-site.

Dated: February 8, 2006

I hereby certify that Resolution No. 06-05 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 8, 2006 by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

ATTEST: _____
Secretary, Planning Commission

LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 22, 2006

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 22, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Senior Planner David Morimoto, Deputy City Attorney Janice Magdich, City Engineer Wally Sandelin, and Administrative Secretary Kari Chadwick

Introduction of the new Planning Commissioner Wendel Kiser

2. MINUTES

a) None

3. PUBLIC HEARINGS

a) Pursuant to action taken by the Planning Commission on February 8, 2006 to continue the Public Hearing to February 22, 2006, Chair Heinitz re-opened the public hearing to consider the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue. (File#: U-05-020, Applicant: Lodi Avenue Baptist Church) CEQA Status: Exempt Resolution #: P.C. 06-05.

David Morimoto reported that at the previous meeting on February 8, 2006 some of the neighbors brought to staffs attention some of their concerns. There were three major issues consisting of traffic problems, the possibility of littering, and the look of the property with portables and screening. The traffic increase on Allen Drive will be approximately 130 trips per day. The last traffic count on Allen Drive was approximately 761 vehicle trips per day and staff feels that the street can handle the additional traffic because the capacity of the street is roughly 2000 vehicle trips per day. The neighbors would most likely notice the additional traffic on Allen Drive but that increase would not rise to a significant level, a level beyond the roads design capacity. Staff came up with two new alternatives for the traffic flow to help minimize the adverse affect to the neighborhood which are shown in exhibit A and B (see attached), in the packet. The driveways not in use would be blocked off.

In response to Chair Heinitz, Wally Sandlin, City Engineer, stated that adding a condition of putting up no parking signs on Allen Drive could be a possibility. It would be subject to the review of both the Police Department and the City Council.

In response to Chair Heinitz, Mr. Morimoto stated that the supplemental conditions following the proposed Resolution are alternatives for the Commissioners to choose from. He also stated that taking a driveway down the entire length of the property was an idea that was looked at but a good deal of the grass area would have to be taken up.

David Morimoto also reported that the Vineyard Christian Middle School (VCMS) would be willing to acknowledge St. Peters by staggering the drop off and pick up times and they have already talked with the St. Peters Principal. VCMS are also going to have an

adult traffic monitor at both times. The school officials are going to create a handout of how to drop off and pick up their students to pass out to all the parents.

In response to Commissioner Moran, Mr. Sandlin stated that there has been one accident reported at the corner of Allen Drive and Lodi Avenue in the last four years. It involved two vehicles traveling east bound on Lodi Avenue. Mr. Morimoto added that the incident in which the gentleman was hit happened over in front of St. Peters.

In response to Vice Chair Kuehne, Mr. Morimoto stated that Staff felt exhibit A spread out the traffic the best.

Hearing Re-Opened to the Public

- George Lepart, Vineyard Christian Middle School, came forward to thank the staff and honored the neighbors for all of their respect shown at the Hearing. The VCMS Board went out and observed the area during the high traffic times for five consecutive days and created a chart to show the flow of traffic for both the north and south bound directions on Allen Drive. The information gathered was the same as what the City had reported previously. It was never the intent to stage the drop offs or pick ups on Allen Drive. The adult monitor has already been put in place at the current site and will continue at the new one. The School is more than willing to stager times to help alleviate the traffic issue. A chain link fence was never an option of the School. VCMS intends to put something up that will be indicative of the neighborhood and of the Church. A liaison is being established to interface with the neighborhood during this time and throughout the entire process of getting this project up and running.

Dean Ruiz, 1118 Chateau Court with Hakeem, Ellis & Marengo, stated that the staff report indicates that staff feels this is an opportunity for infill. The applicant has gone above and beyond to be accommodating and has indicated that they are willing to work with the neighborhood. The School is looking forward to working with SPARC so that an aethically pleasing plan for both the school and the neighborhood can be established. There has been no history indicating that noise or littering will be a problem with this project.

Pat Patrick, 2848 Applewood Drive, came forward to support the project. He stated that he is looking at the project from three different angles, one from a leadership position in the community, two from a consumer of the educational product that the school produces and third as a Dad. He supports the application because this type of school is good for creating good citizens for our community. Having an up-close and personal view of the quality of this organization, he sees no economic reason for the property values to go down in the neighborhood. As a dad, the school has been a very positive experience for he and his family.

David Johnson, 2200 Jackson Street, came forward to oppose the project. He and his wife live about a half a block from the project site. They shopped around before they bought the house. They bought there because they liked how quite the street was. They had to pay top dollar for the house because of the location. They paid it because they wanted a quite, low traffic area for their kids play in the yard.

Paula Peterson, 2224 Jackson Street, came forward to oppose the project. She and the neighbors have been canvassing the neighborhood and the feeling is the same. She feels that people will pick the path of least resistance and when the traffic can't get across Lodi Avenue people will start using the neighborhood streets to get to an from the school. Mrs. Peterson handed in a map depicting the neighborhood which showed the

homes that are for and against the project. She stated that she and her husband bought in the neighborhood for the quite and would like to keep it that way. There have been two car accidents that have ended up in the Pastor's yard and a car that recently came across Lodi Avenue, part of the Church property and ended up in her neighbor's yard. There are traffic accidents, it is a hectic corner.

Paul Taormina, 2225 Jackson Street, came forward to oppose the project. The area is already noisy with the garbage lid slamming. Pastor Mike Abdollahzadeh has been asked to address this already and nothing has been done. People litter by throwing beer cans and bottles in the area. Then there will be the added noise from dogs being walked and barking at the added commotion. We just don't want this school across the street from us.

Bob Peterson, 2224 Jackson Street, came forward to oppose the project. At the last meeting Pastor Mike came forward to talk about his enlightenment in regards to this project and how he approached two of the neighbors and after telling them about the project he was shocked and dismayed at their negativity toward the project. What Pastor Mike forgot to mention was that he told them that the project would not go forward without neighborhood support. While canvassing the neighborhood, we found that there was only one household that had attended Lodi Avenue Baptist Church actually living in the neighborhood. Pastor Mike's daughter is the only student that we know of that actually lives in the neighborhood that will be attending the school, all the other students will have to be driven in from other areas. A neighborhood should have the right to shape its own destiny.

Dean Walker, 2207 Capell, came forward to oppose the project. The site has only 60 parking spaces and some of those will have to go to make room for the portables. The site has no room to grow and churches and schools want to thrive and grow. Lodi Avenue will have a lot of extra traffic and left hand turns off Allen Drive will cause more problems than have been addressed. The buildings will be portables and will be unsightly for the neighborhood. He was disappointed with the lack of notification to all of the property owners that will be affected.

Linda Engrav-Clarke, 2101 Jackson Street, came forward to support the project. She signed the petition that was passed around and after signing the petition read the letter that came with it and had regrets. She tried to take her name off of it but was unable to get a hold of Mrs. Peterson. The letter gives the impression that all children are noisy and that all portables are ugly and that isn't the case. The letter also referred to speeding which is already a problem, but she felt that if this tight nit neighborhood felt speeding was such a problem she would have had a petition presented to her regarding that issue. She questions the intent of the petition and feels that the Church and School are trying to accommodate the needs and wishes regarding the concerns that the neighborhood has brought forward.

Kevin Stevens, 1408 Graffigna Avenue, came forward in support of the project. He is a parent of two children that have been involved with the school since it's inception. The parents and students have stepped up and shown that they do care about the neighborhood that their school is in by the actions shown at the Woodbridge Middle School site. The improvements made there were made by them. The students are taught honor and respect and it shows in both the look and attitude of the school. He coaches a soccer team at the Henry Glaves Park and during that season the traffic and noise far exceed the expectation of the schools traffic. He would like to be able to live in

this neighborhood and wouldn't mind living across the street from this school because of the people that will be there.

Mary Colbert, 2133 Jackson Street, came forward to oppose the project. She has lived in the neighborhood for a long time and has made the decision to stay. She is concerned about the traffic filtering down Jackson Street. She is very concerned with what will happen down the road as staff changes with the school. She then drew correlations with a public school in the Bay Area and the problems that her daughter has had with the students and the lack of respect shown by them to her daughters property. She can hear the soccer games and the pool in the summer time because she is outside more. She and her husband looked at several homes before buying on Jackson Street and avoided a home on Virginia Street because of it's proximity to Vinewood School.

Scott Gaston, 2307 Aladdin Way, came forward to support the project. He lives one block in from Glaves Park and has a child going to the Vineyard Christian Middle School. He doesn't feel traffic will be a problem. Everyone bought in the neighborhood with the church already there and given the property size should have expected the church to try and grow. The quality of the staff and parents that are involved with the school are top notch and he is very glad to have his daughter become a recent addition to the student body. He was not approached with a petition against the school but if he had been he would not have signed it.

Myrna Pitchford, 1525 West Elm Street, came forward to support the project. The differences between a public and private school are like black and white. The kids will be more of a help in the area than a problem because of what they are taught. Everything changes and there are so many other things that could go into this area that could be worse for the neighborhood.

Chris Johnson, 2200 Jackson Street, came forward to oppose the project. She went to a Christian School and kids are kids and will be loud. She bought the house because of the quite and the traffic will take that away. She understands that the parents that are taking their children to this school want to have an environment where they can instill the proper values in them and hopes they can find a site where they can do that and are able to grow as well. Trash even with the best intentions will inevitable find it's way into the surrounding neighborhood.

Michele Borges, 2124 Jackson Street, came forward to oppose the project. She has children that go to a private school and parents are people and will get in a hurry and will not always follow the rules. She is concerned with the children playing in the yard and just getting out of the neighborhood to take her kids to school, which is already a problem. She stated that the student body size where her child goes is 200+.

Alyssa Oliver, 707 South Church Street, came forward to support the project. She feels the residents have a fear of the unknown. VCMS is not a public school. The top attendance of the School is 87 students. There are no plans for growth. She as a founding board member stated that if the school is going to grow it will look for a new site. Trash is an issue for the school also and past practice will show that there will be a positive change. The only noise will be daytime noise during PE, recesses and at lunch time. The public schools in the area release between 2:15 and 2:30 p.m. and VCMS releases at 3:00 p.m. leaving a significant gap to help alleviate the traffic issues. It is unfair to compare a K-8 public school to a 6-8 Christian school. This will be a positive place in the neighborhood.

In the response to Chair Heinitz, Mr. Hatch stated that the school will be limited to exactly what they are asking for which is 75 students and if they wish to increase it they must come back with an amendment to the Use Permit.

Nicholas Bettencourt, 2114 Jackson Street, came forward to oppose the project. This is not a character issue it's a safety issue for our kids. We bought in the neighborhood without a school and that is what we want. It isn't fair to have this school going in down the street from where we live; this is being force feed down our throats.

Linda Engrav-Clark, 2101 Jackson Street, came forward a second time in support of the project. She bought the home in 1993 and knows that change happens. The people that bought in the area knew the church was there and could see the potential of growth.

George Lepart, Vineyard Christian Middle School, came forward to answer some of the statements made by the neighborhood. He also wanted to clarify that there are currently 75 students enrolled in the school and the maximum would be 84 which is 28 students per grade.

Chair Heinitz stated that the Commission and Staff are trying their very best to find a solution that will satisfy everyone's needs.

Public Portion of Hearing Closed

- Chair Heinitz asked to have the map brought back up again so he could see where the church's entrances and exits lined up with Jackson or Walnut Streets and received clarification of which entrances and exits would be used for drop offs and pick ups.

In response to Commissioner Moran, Mr. Hatch stated that if there is an expansion of the church then they would have to come back and get an amendment for the church or the school. If there were any new construction it would be brought back to the Commission.

In response to Commissioner Haugan, Mr. Hatch stated that the document was prepared for 75 students but the Commission can change it tonight to the mentioned 84. There are no set rules regarding the number of students per class from the City's point of view. The number of students per modular will come to staffs attention when the building department gets the application for the building permit.

OPEN TO APPLICANT FOR CLARIFICATION:

In the response to Vice Chair Kuehne, Mr. Lepart stated that the maximum number of students will be 28 per grade which is one sixth grade, one seventh grade, and one eighth grade class. The fourth modular will be for multi-purpose use.

CLOSED TO APPLICANT

Commissioner Haugan and Chair Heinitz both stated that it does make a difference how many students are allowed now and it should be clarified in the resolution tonight.

In response to Commissioner Kiser, Mr. Hatch stated that the supplemental conditions and traffic options should address the traffic issue. Conditions can be added to hold the school responsible for the way their students arrive and leave based on the chosen

conditions. It would be difficult to enforce, but the school can be held responsible if the actions are not adhered to.

Vice Chair Kuehne noted that the people were split on the issue. He also went to St. Peters and talked with the principal about the complaints that were filed and found that they were usually on the days that a school function occurred outside of school hours. He also said that he could not remember any accidents occurring around the school. The traffic flow seemed to flow well in the Allen Street and Lodi Avenue area.

MOTION / VOTE:

The Planning Commission, motion of Vice Chair Kuehne, Cummins second, to approve the amendment of section G at the 8th whereas to read that the total student population be 84 students and would reflect the appropriate dollar change.

In response to Commissioner Haugan, Mr. Hatch stated that amendments can be made and voted on before the main motion.

Commissioner Cummins commented that churches house schools all over the City and it has been a common practice for many years. He is in support of this project.

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz

Noes: Commissioners – None
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, motion of Haugan, Kuehne second, to approve the amendment of Item J to include that the Vineyard Christian Middle School shall install additional features along Allen Drive to screen the school from the street. These features can include new fencing, shrubs, trees and any other items deemed appropriate by SPARC. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

In response to Commissioner Kiser, Mr. Hatch stated that the applicant must go to SPARC and the issue of the look and age of the portables can be handled there.

MOTION / VOTE:

The Planning Commission, motion of Kuehne, Cummins second, to approve the supplemental conditions numbers 1, 3, 4, 5, & 7 as provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, motion of Commissioner Cummins, Kuehne second, to approve the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue subject to the conditions of the attached resolution as well as the additions of the supplemental conditions numbered 1, 3, 4, 5, & 7 as well as the amended Item G and Item J blended with supplemental condition number 6.

Commissioner Moran stated her opposition to items 5 and 6 of the resolution because she has not seen anything to show that the traffic will not have an adverse effect on the neighborhood. She also has an issue with the lack of parking spaces should the church decide to take on a variety of activities over and above the regular church services. She can not support this project.

Commissioner Haugan stated that he has been to the site and has not seen anything to show that the traffic will be an issue. He believes that this is a good use for the property. He would also like to see the trash set behind a screen and recycling bins used. He supports this project.

Chair Heinitz went out and looked to see how Zion Middle School cues their parents in for drop offs and pick ups and they are very diligent about taking their traffic completely off of Ham Lane and everything is done in their parking lot. They do have a bigger parking lot than this project, but he had no doubt that the Vineyard School will be just as diligent about getting the cars off of the street. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, and Chair Heinitz
Noes: Commissioners – Kiser, Moran, and White
Abstain: Commissioners – None

4. PLANNING MATTERS

Staff received the proposals for the General Plan and the draft of the Zoning Ordinance.

Janice Magdich went over the policy passed by council, regarding outside of meeting communication; just letting everyone know if there has been any communication with anyone that directly relates to the issue at hand outside of this forum.

In response to Chair Heinitz, Ms. Magdich stated that it is always a good idea when obvious opposition is present to mention the appeal process.

In response to Commissioner Moran, Ms. Magdich stated that the disclosure of outside communication should come before starting the deliberation portion of the Public Hearing.

In response to Commissioner Cummins, Mr. Hatch stated that staff gives Commissioners all the City's rules and regulations (the facts), it is the Commissions job to interpret for the public in regards to the intangibles.(ie. Aesthetics)

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Randy Hatch reported that the Miller Ranch project received the approvals from Council. There were two conditions added to collect for any additional fees incurred by the outside consultant and extra planning time for additional review.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

In response to Chair Heinitz, Mr. Hatch stated that the Blue Shield/Reynolds Ranch Project does have to go through a process starting with the Planning Commission. The City Council authorized staff to hire an outside consultant to try to sheppard it through as fast as it can get done. The site is in the General Plan as a planned residential reserve.

In response to Commissioner Moran, Peter Pirnejad, Planning Manager, stated that the scoping meeting for the Blue Shield/Reynolds Ranch EIR was last week and a presentation before the Planning Commission is scheduled for when the draft EIR has been prepared. The NOP runs through March 7, 2006.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:40 p.m.

ATTEST:

Randy Hatch
Community Development Director

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Conduct a public hearing to consider the appeal of the Planning Commission's decision of February 22, 2006, to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue (Applicant, Lodi Avenue Baptist Church; File #U-05-20).

MEETING DATE: April 19, 2006

PREPARED BY: Community Development Department

RECOMMENDED ACTION: That the City Council deny the appeal and uphold the Planning Commission's decision to grant a Use Permit for Vineyard Christian Middle School to locate a private middle school on the grounds of Lodi Avenue Baptist Church, 2301 West Lodi Ave.

BACKGROUND INFORMATION: At their meeting of February 8, 2006 the Lodi Planning Commission held a Public Hearing to consider the request of Vineyard Christian Middle School for a Use Permit to locate a private school on the property of Lodi Avenue Baptist Church, 2301 West Lodi Avenue. Following extensive public testimony and discussion, the Public Hearing was continued to the following meeting date of February 22, 2006 to allow the Planning Commission to receive additional information from all interested parties and City staff. Based on the information received at the Public Hearings, the Planning Commission voted to approve the Use Permit at the meeting of February 22, 2006. (see attached February 8, 2006 and February 22, 2006 Planning Commission staff reports)

Review of Public Hearings of February 8, 2005 and February 22, 2006.

During the Public Hearings of February 8, 2006 and February 22, 2006, some of the residents of the neighborhood near the proposed school site spoke in opposition to the granting of the Use Permit for the Vineyard Christian Middle School. Their primary concern was the impact that the school would have on their neighborhood, which they characterized as a quiet residential area. The neighbors expressed concerns about added traffic on Allen Drive, and increased noise and litter that they felt would be a result of the proposed school. They were also concerned about the aesthetic impacts the school buildings would have on their neighborhood.

In order to address the neighbor's concerns, the Planning Commission continued the Public Hearing of February 8, 2006 to their next meeting of February 22, 2006. They directed staff to work with the applicant to determine if there were solutions that could be developed that would address the concerns of the neighbors. At the February 22 meeting, staff presented the Planning Commission with several

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APPROVED: _____
Blair King, City Manager

possible conditions that could be placed on the project to address some of the issues raised by the neighbors. The Planning Commission also took additional public comments regarding the project and the new conditions. Based on the information presented at the public hearings, the Planning Commission determined that the Lodi Avenue Baptist Church property at 2301 West Lodi Avenue was an appropriate location for the proposed Vineyard Christian Middle School and approved the Use Permit 4 to 3. (Kiser, Moran, White opposed).

As part of their presentation before the Planning Commission, residents of the neighborhood submitted to the Planning Commission a petition signed by a number of the residents expressing their opposition to the proposed school. Following the Planning Commission's approval of the Use Permit, some of the neighbors submitted an appeal requesting that the City Council overturn the actions of the Planning commission and deny the Vineyard Christian Middle School Use Permit.

COUNCIL OPTIONS:

- Deny appeal – confirm Planning Commissions action of approval. This is the recommended action.
- Grant appeal – granting the appeal would reverse the Planning Commission approval denying the Use Permit for the school.

FISCAL IMPACT: No Fiscal Impact

FUNDING AVAILABLE: No Funding Required.

_____
Ruby Paiste, Interim Finance Director

_____
Randy Hatch
Community Development Director

Attachments:

- Planning Commission Resolution No. P.C. 06-05
- Vicinity Map
- aerial map
- site plan: Exhibit A
  Exhibit B
- Exhibit C – Proposed Parking lot instructions
- Planning Commission Staff Reports:
  February 8, 2006
  February 22, 2006
- Planning Commission Minutes:
  February 8, 2006
  February 22, 2006
- Written Comments

cc: City Attorney

RESOLUTION NO. P.C. 06-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF LODI AVENUE BAPTIST CHURCH FOR A USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI AVENUE

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Use Permit, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the Planning Commission continued the public hearing from February 8, 2006 to the meeting of February 22, 2006 in order to receive additional information from the applicant and City staff; and

WHEREAS, the project proponent is Lodi Avenue Baptist Church; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Avenue, Lodi, CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that would like to occupy a portion of the church property; and

WHEREAS, Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, Vineyard Christian Middle School operates Monday through Friday on a traditional school schedule; and

WHEREAS, the school anticipates that most extra-curricular events; including athletic programs, practices and games will be held off-site at other local facilities; and

WHEREAS, the Vineyard Christian Middle School is a closed campus and students will not leave campus during school hours with out the permission of the school administration; and

Based upon the evidence within the staff report and the project file, the Planning Commission of the City of Lodi makes the following findings:

1. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.

2. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.
3. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.
4. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.
5. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.
6. It is determined that the 47 parking spaces on site are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED, that Use Permit Application No. U-05-020 is hereby approved, subject to the following conditions:

A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior to any buildings being permanently located on the property.

B. All construction is done with proper Building Department and Fire Department approvals and permits.

C. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.

D. The Vineyard Christian Middle School (VCMS) shall modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plan shown on Exhibit A. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed “School Entrance” and the south driveway shall be signed “School Exit”, “Right Turn Only”. Additional pavement directional arrows maybe required and the parking stalls realigned to match the direction of traffic flow.

E The VCMS shall modify their school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.

F. The VCMS shall prepare “Parking Lot Instructions” which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.

G. That VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the “Parking Lot Instructions” are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.

H. The VCMS shall upgrade the landscaping along Allen Drive to improve the appearance of the school from the street. These features will include new

shrubs, trees and any other items deemed appropriate by SPARC. The VCMS shall also construct a fence (the design to be approved by SPARC) along the east side of the school as a separator between the school grounds and Allen Drive.

I. VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.

J. The VCMS provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.

K. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition E) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.

L. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.

M. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $57,301.04. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,000 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

N. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.

O. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, we estimate the cost to be approximately $2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

P. No variance from any City of Lodi adopted code, policy or specification is granted or implied by the approval of this resolution.

Dated: February 22, 2006

I hereby certify that Resolution No. 06-05 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on February 22, 2006 by the following vote:

AYES:	Commissioners:	Cummins, Haugan, Kuehne, and Chair Heinitz
NOES:	Commissioners:	Kiser, Moran, and White
ABSENT:	Commissioners:	None
ABSTAIN:	Commissioners:	None

ATTEST: _____
Secretary, Planning Commission

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE: February 8, 2006

APPLICATION NO: Use Permit U-05-020

REQUEST: The request of Lodi Avenue Baptist Church for approval of a Use Permit to allow operation of the Vineyard Christian Middle School on their property at 2301 W. Lodi Ave.

LOCATION: 2301 West Lodi Ave.
APN 029-130-31

APPLICANT: Lodi Avenue Baptist Church
2301 West Lodi Ave.
Lodi, CA 95242

PROPERTY OWNER: 1st Southern Baptist
2301 West Lodi Ave.
Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Lodi Avenue Baptist Church to allow the Vineyard Christian Middle School to locate a private middle school on their church property at 2301 West Lodi Ave., subject to the conditions in the attached resolution.

SUMMARY

Lodi Avenue Baptist Church is proposing to locate a Christian middle school (six, seventh and eighth grade) on a portion of their church property at 2301 West Lodi Ave. The school, Vineyard Christian Middle School (VCMS), is currently located on the site of Woodbridge School, which is currently being remodeled. When the Woodbridge School remodel is complete, VCMS will need to relocate to a different site. Lodi Avenue Baptist Church has made available an unused portion of their property for the school. Before VCMS can relocate to this property, they will need to secure a Use Permit from the Lodi Planning Commission for the operation of a school. The school will operate Monday through Friday, from 8:30 am to 3:10 pm. The school has a student population of 75 that will be housed in five modular buildings that will be moved on to the site.

PROJECT/AREA DESCRIPTION

General Plan Designation: LDR, Low density residential.

Zoning Designation: R-1, residential single-family

Property Size: 2.64-acres.

The adjacent zoning and land use designations are as follows:

North: R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Glaves Park, a City park/basin.

South: R-1. The area to the south, across Lodi Ave. is single-family residential.

East: R-1. The area to the east, across Allen Drive is single-family residential.

West: PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

Vineyard Christian Middle School is an existing private 6th, 7th and 8th grade Christian middle school that is located on a temporary basis on the grounds of the Woodbridge School, a school site owned by the Lodi Unified School District (LUSD). The LUSD buildings on the site are being extensively remodeled to provide a modern elementary school facility. During the remodeling all the LUSD students have been relocated to other schools and no public school students are currently on site. The VCMS students are housed in modular classroom buildings located on a corner of the school property. The Woodbridge Elementary School is scheduled to reopen in the fall of 2006. When this happens, VCMS will have to relocate, and they have selected the Lodi Ave. Baptist Church property at 2301 West Lodi Ave. as their choice for a new school site. The VCMS is not directly affiliated with the Lodi Ave. Baptist Church and will only be leasing land from the church.

ANALYSIS

The Lodi Avenue Baptist Church is located on a 2.6-acre parcel of land at the northwest corner of Allen Drive and West Lodi Ave. The church and related Sunday school classrooms are located on the south half of the property. The north half of the property contains a portion of the church parking lot, an open lawn area and a church parsonage, which is located on the northern-most portion of the property. The Vineyard Christian Middle School will be located in the center of the property between the church and the church parsonage. The proposed site is partially paved and partially planted in lawn. The classrooms will be placed on the paved area which is currently part of the church parking lot and the lawn area will serve as the school playground. Placement of the school buildings on the paved area will result in the loss of approximately 14 parking spaces, leaving the church with approximately 47 parking spaces. The City's parking standards are based on one parking space required for every four seats in the church sanctuary. The Lodi Ave. Baptist Church has a sanctuary that seats 300 people. This requires 75 parking spaces. According to the church, their normal Sunday services are attended by 80 to 100 parishioners. Based on their actual attendance, they will have sufficient parking, even after the reduction in the number of parking spaces.

Vineyard Christian Middle School is proposing to place five modular buildings on the church site. Each of the buildings is 20'x 40' in size. Four of the units will be classrooms and the fifth unit will house an office and restroom facilities. The five buildings will be arranged in a U-shape facing south. The grass area to the north of the buildings will serve as outdoor play areas. There will also be some paved play areas adjacent to the classrooms. Parking for the 5 staff members will be provided adjacent to the school. A 5-foot high fence will be constructed along the east side of the school to provide a separator between the school and Allen Drive.

According to their application, VCMS has a student population of 75 middle-school students who attend school from 8:30 am to 3:10 pm. Monday through Friday on a traditional school calendar.

For a period of one-half hour before and after school, students are regularly dropped off or picked up by parents or guardians. A regular school day includes seven 45-minute class periods, a 15-minute morning break, and a 45-minute lunch period. Students eat lunch outside on picnic tables or in the class rooms. The school is a closed campus. The school does offer a sports program but most practices and games are held off-site at other Lodi facilities. The application states that activities conducted before or after the hours of 8:00 am or 4:00 pm are typically held off campus.

The school will operate during daytime hours, Monday through Friday. By contrast, the church is most active on weekends, particularly on Sundays and on certain weekday nights. Because the facilities operate on different schedules, there should be minimal conflict between the church and the school. According to the site plan there is sufficient space on the Lodi Avenue Baptist church property to accommodate the school without significantly impacting the church. The area that the school will occupy is currently unused by the church and will not affect their operations.

The church property is located on the corner of Lodi Ave. and Allen Drive. Lodi Ave. is a major east-west arterial serving much of central Lodi and has an average daily vehicle trip count of 6,900 vehicles per day. Lodi Avenue along with Allen Drive will provide the access to the school site. Allen Drive has an average daily trip count of 761, fairly typical for a residential street. Figures provided by the school indicate that the school will have 75 students and 5 employees. Using data from the Institute of Traffic Engineers (ITE), middle schools generate 1.6 vehicle trips per students/employees. The school could generate 130 additional daily vehicle trips. It is likely that some students will carpool, walk or bike to school, reducing the number of vehicle trips. The increase in traffic volume will probably be most noticeable on Allen Drive. The impact of the additional vehicles will be lessened to some degree by the fact that the school site is near the intersection of Lodi Ave. so many of the vehicle trips will only travel one or two blocks of Allen Drive. While the additional vehicle trips may be noticeable to neighbors, particularly the 5 or 6 houses that are directly across from the church property, an increase of 130 vehicle trips on Allen Drive is still within the acceptable traffic volume for a residential street.

The school will have some buffering from surrounding properties. The properties most directly affected will be the 6 corner parcels along the east side of Allen Drive directly across the street from the church property. They will experience some increase in traffic on Allen Drive adjacent to their properties and an increase in the level of activity on the church property, including noise as a result of the presence of the school. Properties to the south will be buffered by the existing church buildings on the property as well as Lodi Ave., a four-lane street that separates them from the church property. The property to the west is an adult residential community. They are separated from the church property by a six-foot high block wall. The block wall surrounds their complex on three sides and is higher along Lodi Ave. and Lower Sacramento Road. Because of the wall and the fact that their entrance is on Lodi Ave., they will not be directly affected by the increased traffic or be visually affected by the increase in the level of activity created by the school. They may experience some increase in noise although it will be limited to day time hours and primarily during periods when the students are outside of the classrooms.

The block wall separating the properties will reduce the noise levels and there are numerous trees planted on both sides of the fence that visually screen the school site from the houses to the west.. To the north, there is a church parsonage, a private seasonal swim club facility and a City park/basin. Only the church parsonage will be affected to any degree and presumably the church has considered this before making the site available to the school. Overall, the school will be buffered as well as most school sites in Lodi. Almost all schools in Lodi are located in residential areas and most have residences that face, side or rear to the school property. Schools are a permitted use in residential zones with approval of a Use Permit. In most cases the schools, particularly the public schools, have a much larger student population and a much larger campus. Generally speaking, schools and neighborhoods seem to coexist and the sponsors of the Vineyard

Christian Middle school seem willing to address any problems that may come up once the school is in operation.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an "In-fill Project", less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE

Legal Notice for the Use Permit was published on January 28, 2006. 62 public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

David Morimoto
Senior Planner

Concurred,

Randy Hatch
Community Development Director

ATTACHMENTS
1. Vicinity Map
2. Site Plans
3. Aerial photo
4. Draft Resolution

RH/pp/dm/kc

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CITY OF LODI
PLANNING COMMISSION
Supplemental Staff Report

MEETING DATE:	February 22, 2006
APPLICATION NO:	Use Permit U-05-020
REQUEST:	The request of Lodi Avenue Baptist Church for approval of a Use Permit to allow operation of the Vineyard Christian Middle School on their property at 2301 W. Lodi Ave.
LOCATION:	2301 West Lodi Ave. APN 029-130-31
APPLICANT:	Lodi Avenue Baptist Church 2301 West Lodi Ave. Lodi, CA 95242
PROPERTY OWNER:	1st Southern Baptist 2301 West Lodi Ave. Lodi, CA 95242

RECOMMENDATION

Staff recommends that the Planning Commission approve the Use Permit request of Lodi Avenue Baptist Church to allow the Vineyard Christian Middle School to locate a private middle school on their church property at 2301 West Lodi Ave., subject to the conditions in the attached resolution and any of the attached supplemental conditions.

SUMMARY

Lodi Avenue Baptist Church is proposing to locate a Christian middle school (six, seventh and eighth grade) on a portion of their church property at 2301 West Lodi Ave. The school, Vineyard Christian Middle School (VCMS), is currently located on the site of Woodbridge School, which is currently being remodeled. When the Woodbridge School remodel is complete, VCMS will need to relocate to a different site. Lodi Avenue Baptist Church has made available an unused portion of their property for the school. Before VCMS can relocate to this property, they will need to secure a Use Permit from the Lodi Planning Commission for the operation of a school. The school will operate Monday through Friday, from 8:30 am to 3:10 pm. The school has a student population of 75 that will be housed in five modular buildings that will be moved on to the site.

PROJECT/AREA DESCRIPTION

General Plan Designation:	LDR, Low density residential.
Zoning Designation:	R-1, residential single-family
Property Size:	2.64-acres.

The adjacent zoning and land use designations are as follows:

North: R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Glaves Park, a City park/basin.

South: R-1. The area to the south, across Lodi Ave. is single-family residential.

East: R-1. The area to the east, across Allen Drive is single-family residential.

West: PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

At the Planning Commission meeting of February 8, 2006, a public hearing was held to consider the request of the Lodi Avenue Baptist Church for a Use Permit to allow the Vineyard Christian Middle School to locate their school on the Church property. At the meeting, several neighbors of the Church spoke to express their objections to the proposed school being placed on this property. The issues the neighbors were most concerned with are as follows:

1). Traffic on Allen Drive.

Neighbors were concerned that the proposed school will generate additional traffic on Allen Drive. They indicated that Allen Drive was a residential street with relatively low traffic volumes. They were concerned that the addition of 75 students and 5 staff would impact the street and neighborhood, particularly during morning and afternoon pick-up and drop-off periods. They also felt that the problem was compounded by the nearby St. Peters Lutheran School located at the corner of Oxford Way and Lower Sacramento Road. They felt that many of the parents of students at St. Peters also used Allen Drive to come and go from that school. They felt the combination of traffic from both schools would create a hazardous situation on Allen Drive.

2). Increased activity, noise and litter as a result of the school being located on this property.

Neighbors were concerned that the school will generated more activity on the church property relative to what was there now. They felt that the church was a relatively unobtrusive use, with activity primarily on Sundays and during special events at the church. The school will have students on site Monday through Friday, 9 months a year. They felt that the added presence of students would create noise and litter that will affect the neighborhood.

3). Aesthetic concerns.

Neighbors were concerned about the visual effects the school would have on the neighborhood. The applicant's are proposing to move 5 modular buildings onto the property. These will include 4 classrooms buildings and one office building. The neighbors expressed concern about the appearance of the buildings and how they would look from their residences across Allen Drive. They noted that the property is open along the Allen Drive frontage and there is no fence or other type of screening. There are only a limited number of trees planted along Allen Drive and no shrubs or other landscaping that could serve to screen the property.

ANALYSIS

Staff has reviewed the concerns expressed at the meeting and has the following comments:

1). Traffic.

Based on our calculations, the school could generate 130 additional vehicle trips per day. This would be in addition to the current volume of 761 vehicle trips per day on Allen Drive. The capacity of Allen Drive is approximately 2000 vehicle trips per day. Even with the addition of the school traffic, the potential total of 900 vehicle trips will be less then 50% of the design capacity for Allen Drive. In our estimation, the added traffic will not significant impact the capacity or the safety of traffic on Allen Drive.

While the added traffic will not be an engineering issue, staff acknowledges that the neighbors, particularly those immediately adjacent to the school site will notice an increase in traffic. This will be most noticeable during the pick-up and drop-off periods. The perceivable change is compounded by the fact that traffic volumes on Allen Drive are relatively low so any increase is noticeable. It is possible that over time the neighbors will become accustom to the school traffic and the additional traffic will become less noticeable. In staff's opinion, the additional traffic generated by the school is not so much an engineering issue of traffic safety or congestion but more of an issue of perception by the neighborhood and the public. The street clearly has the capacity to safely handle the anticipated traffic volumes generated by the school. Whether the possible effects on the neighborhood are acceptable is more of a policy issue then a traffic engineering issue. The City and the applicants would like to explore every reasonable alternative to try to reduce the traffic effects on the neighborhood. Staff has worked with the school to try to come up with ideas that may help the situation. The following options are put forth for consideration:

a) Rearrange the driveway layout and the travel route of vehicles entering and exiting the school property. Two alternatives are been suggested to the original driveway proposal. Alternate 1 (Exhibit A) is to require vehicles to enter the school grounds at the northern most drive way. Vehicles will proceed to a designated area, to pick-up or drop-off their student and proceed south through the parking lot and exit at the southern most driveway, turning right onto Allen Drive. Under this alternative, the center driveway will be temporarily closed during school hours. Alternate 2 (exhibit B) will have the vehicles entering the northern-most driveway then proceed to the drop-off zone. The vehicles will then loop around the entire parking lot and will exit the property at the center driveway, making a right hand turn onto Allen Drive. Under this alternative, the southern most driveway would be temporarily closed during school hours. Under both alternatives, new on-site signing would be required to designate the path of travel for vehicles and to designate the right-turn-only at the exit driveway.

   Both alternatives provide increased vehicle stacking room on-site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. Requiring that exiting vehicles only turn right on Allen Drive will mean that most vehicles will only travel a short distance on Allen when exiting the property and that there will be fewer conflicts with passing traffic. Alternative 1 will further reduce the impact by having the vehicles exit at the driveway closest to the Lodi Ave. intersection. This will further limit the distance exiting vehicles

will travel on Allen Drive. This alternative will also spread the vehicles over two more widely separated driveways instead of concentrating then at the center of the property.

b) The VCMS has also suggested the following methods that they feel will help alleviate the traffic situation:

i. One is to stagger their school start and finish times with St. Peters Elementary School, to reduce the amount of overlap. VCMS will be willing to start either earlier or later then St. Peters, depending on what works better for each school. This will reduce the concentration of traffic and spread it out over a slightly longer time span.

ii. Another suggestion made by VCMS is to have an adult traffic monitor onsite every morning and afternoon during drop-off and pick-up times. This person will monitor the traffic flow and work with parents to get students on and off the property safely and with minimal conflicts with passing street traffic. This person would also monitor the students to make sure they get to class safely.

iii. Finally VCMS has created a parking lot instruction sheet (exhibit c) that they will hand-out to each school family. The sheet contains the procedure for the pick-up and drop-off of students. This includes the requirement that during both drop-off and pick-up vehicles must be in a parking space before students may exit or enter the vehicle. They are also planning to require that all drop-offs and pick-ups be made from vehicles that are in the parking lot. Students can not exit or enter vehicles parked on Allen Drive.

2). <u>Addressing the question of increased activity on the property and the related potential for noise and litter.</u>

a) There is no question that the VCMS will bring more people onto the property. This problem is somewhat off set by the limited number of students (75) enrolled in the school and the limited number of grades (3 class rooms). Unlike larger schools that have multiple lunch periods and P.E. or recess periods that stretch throughout the day, VCMS will have a single break in the morning and a single lunch period. The rest of the time, students will be in the class room. Additionally, the school will be a closed campus so students will not be leaving campus to eat lunch. The closed campus and the single lunch period will reduce the impacts on the surrounding neighborhood by limiting the time students are outside of the classroom. Having a closed campus will also make it easier to monitor any potential litter problem. School supervisors can make sure students put their lunch litter in designated garbage cans. Also students will not be out in the neighborhood during lunch periods.

Having students on the site will increase the ambient noise level during school hours. There will be some increase in noise during drop-off and pick-up periods and when students are outside the class room. This is a relatively quiet neighborhood so it is possible that nearby neighbors will hear some increased level of noise. What level of disturbance they will experience is hard to quantify. Generally school related noise is not considered an unusual noise source by the City's Noise Ordinance. Schools have historically been considered part of residential neighborhoods and are permitted by the City Zoning Ordinance in residential zones. Almost all schools in Lodi as well as in

other cities are located in residential areas. Schools and their related noises have traditionally been accepted as part of the every day activity of communities. VCMS will not have school buses or traditional sports fields so they will generate less noise then most schools.

VCMS can reduce the potential noise problems by monitoring vehicles entering and exiting the school property. Vehicles should avoid using their car horn or playing loud stereos. Students can also be monitored to avoid unnecessarily loud noises when they are outdoors.

3). Aesthetics.

a) In order to improve the appearance of the proposed school site, one of the conditions of approval will be that the project be reviewed by the Site Plan and Architectural Committee (SPARC). The Committee can require the applicant to add various features to their project to improve the overall appearance of the project. This could include fencing; additional landscaping, especially along Allen Drive; changes in the color or appearance of the buildings; parking lot improvements and other site related changes that the Committee feels will improve the design of the school.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an "In-fill Project", less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Approve the Use Permit with Alternate Conditions
- Deny the Use Permit
- Continue the Request

Respectfully Submitted,

David Morimoto
Senior Planner

Concurred,

Randy Hatch
Community Development Director

ATTACHMENTS

1. Original staff report
2. Exhibits
3. Vicinity Map
4. Draft Resolution & Supplemental Conditions

RH/pp/dm/kc
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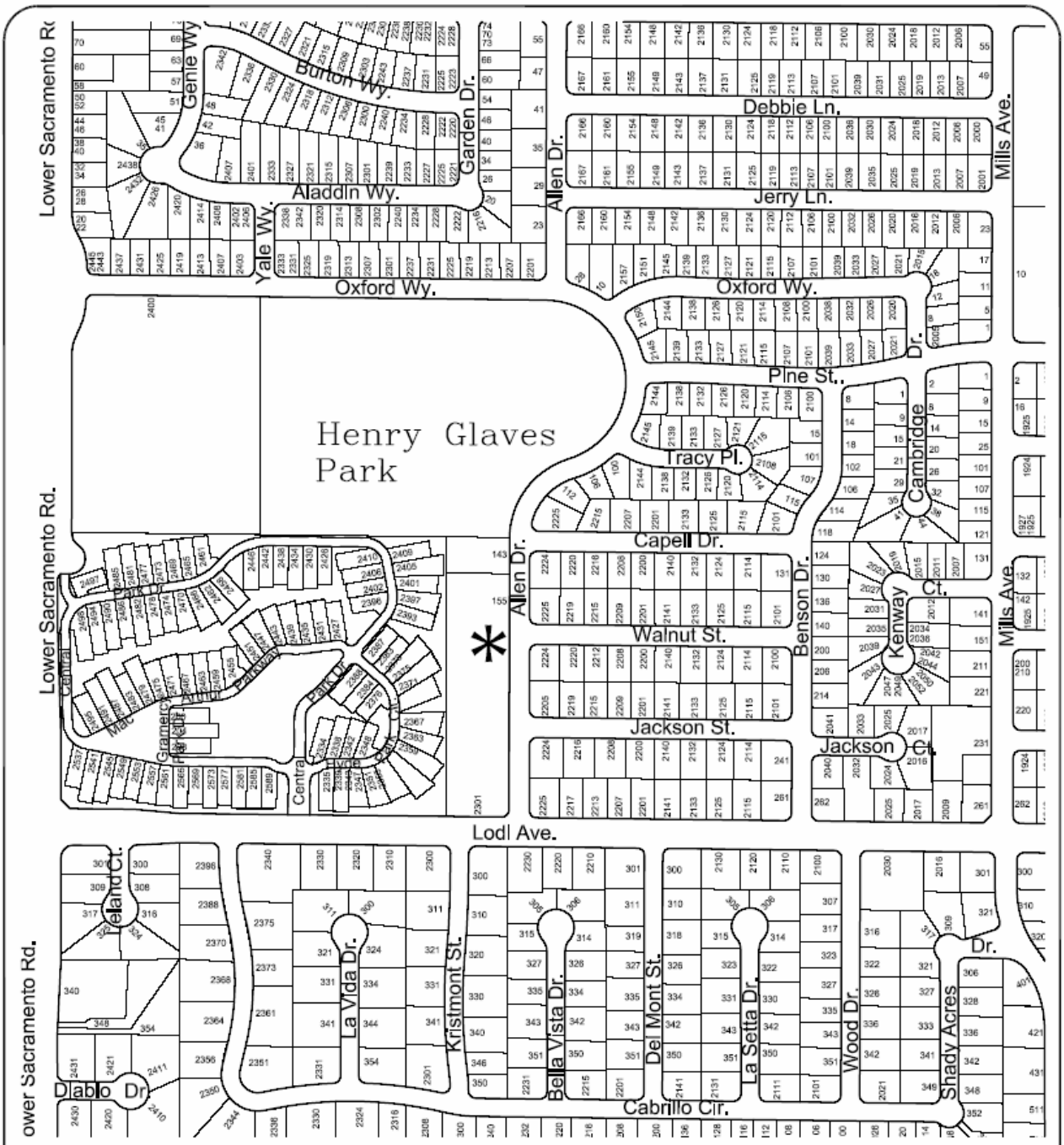


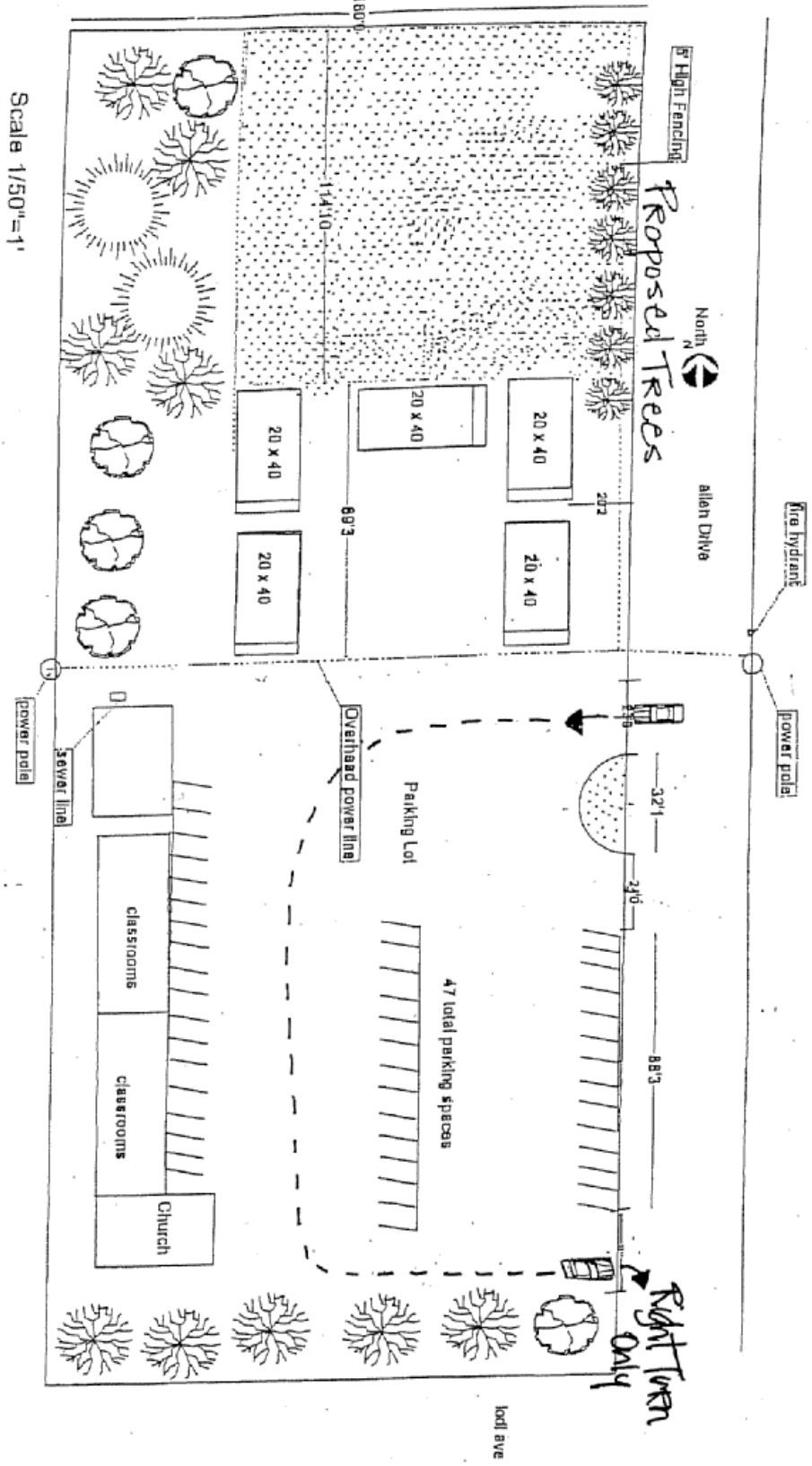
VICINITY MAP

Lodi Avenue Baptist
Use Permit for Vinewood Christian
Middle School
2301 West Lodi Avenue
Use Permit: U-05-020

Vicinity Map

Aerial

City of Lodi, Community Development, Planning Division.



Scale 1/50"=1'

Exhibit A

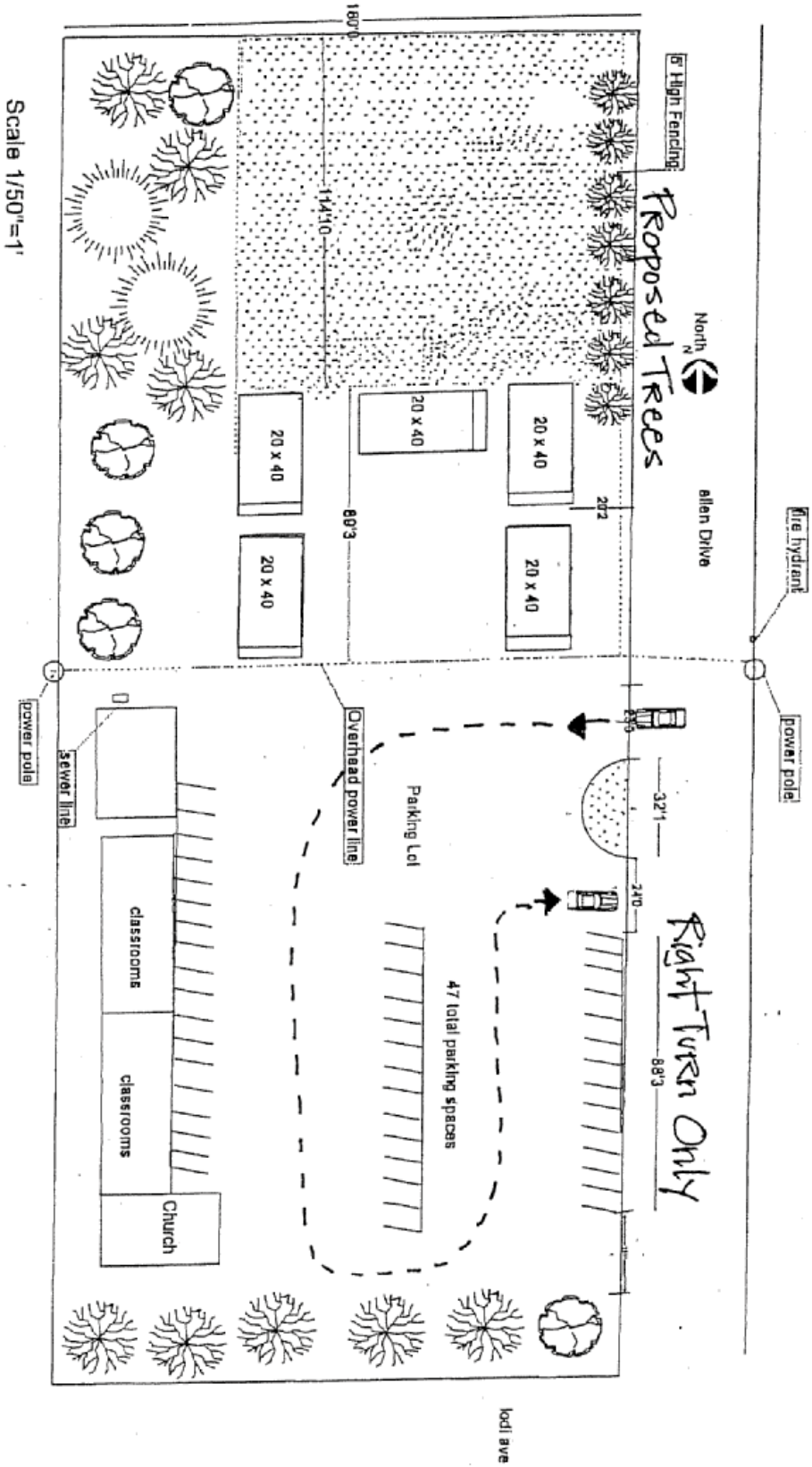


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Exhibit B

ATTENTION

VINEYARD CHRISTIAN MIDDLE SCHOOL FAMILIES!

IMPORTANT PARKING LOT INSTRUCTIONS

Beginning immediately, note the following directions for parking lot procedures:

- Please use the **PARKING LOT ONLY** for pickup and drop-off of students. **DO NOT** park or stop on Allen Drive.
- Please enter the school parking lot from Allen Drive. Access the parking lot from the **NORTH** driveway only.
- Proceed into the parking lot, heading due west, following the circular flow of traffic– as indicated on the attached map.
- **DO NOT** stop in the flow of traffic...pull into a parking spot and park!
- During morning drop off, students are to exit the cars **ONLY** after they are parked, and proceed to the campus. Students will be assisted by parking lot attendant.
- After school, students will wait on campus. With the assistance of the parking lot attendant, students will access **ONLY** parked vehicles.
- When exiting the parking lot, pull back into the flow of traffic and exit from the **SOUTH** driveway **ONLY**- as indicated on the attached map. When entering onto Allen Drive, make a **RIGHT TURN ONLY**.
- Proceed south on Allen Drive to Lodi Avenue.

Please keep traffic on Allen Drive to a minimum. Access to VCMS between the hours of 8:00 a.m. and 4:00 p.m. is limited to the parking lot. Thank you for your cooperation in the matter.

Exhibit C

LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 8, 2006

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 8, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Senior Planner David Morimoto, Planner Manager Peter Pirnejad, Deputy City Attorney Janice Magdich, and Administrative Secretary Kari Chadwick

2. MINUTES

a) None

Note: Item "b" was heard first.

3. PUBLIC HEARINGS

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider The request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue. (File#: U-05-020, Applicant: Lodi Avenue Baptist Church) CEQA Status: Exempt Resolution #: P.C. 06-05.

David Morimoto, Senior Planner, reported that The Vineyard Christian Middle School (VMCS) is an existing school that is located on the Woodbridge Middle School grounds. In the fall of 2006 the LUSD plans to open the campus again as a grade school and therefore the private school is in need of a new home. The site they have selected is Lodi Avenue Baptist Church property. The Church is surrounded by single family homes on the east, south and west sides and to the north is a community pool and Glaves Park. VMCS would like to locate the buildings in the middle section of the parcel. The zoning ordinance does allow for a school in residential neighborhoods with a Use Permit. They would like to open at the 2301 West Lodi Avenue address in the fall of 2006. They operate Monday through Friday on a standard school calendar during the hours of 8:30 – 3:10 p.m. with a half hour before and after for drop offs and pickups. They would like to locate five modular buildings in the center of the property. Three of the buildings will be used for classrooms, one for a multi-purpose room, and the fifth will be a combination of office and restrooms. They will be a tenant leasing the area from the church not an affiliate of the church. There will be no sporting events held on the premise other than regular PE activities. A five foot fence will be put along Allen Drive to help secure the school area from Allen Drive.

In response to Chair Heinitz, Mr. Morimoto stated that the fence would start at the north end and come down to the parking lot area. The applicant hasn't indicated what style of fence they plan on putting up.

In response to Commissioner Cummins, Mr. Morimoto stated that the current parking is sufficient for the current church attendance but would fall short if the church was filled to capacity. There is parking available on the street but that is not used to meet required parking.

In response to Commissioner Moran, Mr. Morimoto stated that the traffic on Lodi Avenue would not be significantly affected but Allen Drive would get an increase of 130 vehicle trips per operating day. Paula Fernandez in the Public Works department didn't feel that the traffic in the intersection would be significant. Public Works did anticipate having to post for a school zone and the painting of crosswalks.

In response to Chair Heinitz, Mr. Morimoto stated that there is not a requirement for the amount of grass area that a school has to have. It would be possible to push the modulars back further onto the grass area to allow more parking if necessary.

In response to Vice Chair Kuehne, Mr. Morimoto stated that the traffic department didn't indicate that there was a problem given the amount of accidents.

In response to Commissioner Moran, Mr. Morimoto stated that the applicants have indicated that they will be moving the dumpsters so the flow of traffic in and out of parking lot would be more cohesive. Randy Hatch, Director, added that the final plans are not before the Planning Commission because the design process will go to SPARC if the Use Permit is approved.

Mr. Morimoto mentioned that the Community Development Department received three letters in protest of the project and they have been copied for the Commissioners. He also went through photos taken of the property and the surrounding areas.

In response to Commissioner White, Mr. Morimoto stated that there are seventy five students currently enrolled in the school.

Hearing Opened to the Public

- George Lepart, representative for Vineyard Christian Middle School, read a letter in support of the school from Pat Patrick, Chamber of Commerce. The church and LUSD have had a very good relationship. The School has made many improvements to the current site and plan to do the same to the project site. A chain link fence does not meet the standards for this school and has not been an option in the design process. Mr. Lepart shared some future design ideas shone on design boards.

In response to Commissioner Cummins, Mr. Lepart stated that there could only be a maximum of 84 total students which works out to be 28 students per grade.

In response to Vice Chair Kuehne, Mr. Lepart stated that the School meetings/Chapel will be held in one of the modular buildings and Vinewood Community Church has agreed to be their home sports complex. The student teacher ratio will not increase. He also stated that the flow of the drop off and pick up will be whatever it needs to be to work cooperatively with the surrounding neighborhood and staffs recommendations. The School start and stop times can be modified to work along with the times of St. Peters School.

In response to Chair Heinitz, Mr. Lepart stated that the modulars will be removed when the addition to the church is made.

In response to Commissioner Haugan, Mr. Lepart stated that the cost is not something that the school is worried about at this time. The results that are seen in the students that come from the school are what make it worth the effort. Previously used modulars are what will probably be used on the site, but regardless of what is used they will be made to be sightly and tidy.

Pastor Mike Abdollahzadeh, Senior Pastor of Lodi Avenue Baptist Church, came forward to express the support of the church officials and the congregation for this project.

In response to Chair Heinitz, Pastor Abdollahzadeh stated that he had approached some of the neighbors that were out walking and it was not well received. He also stated that some of the school board members also went in small groups around the neighborhood, but was not aware of the results of that outing.

Paula Peterson, 2224 Jackson Street, came forward to express her reluctants to have the school in her neighborhood because of the traffic issues. She and her husband walk everyday and see the way the parents drive. Her husband was hit by one of the "responsible" parents dropping off their child at St. Peters. The traffic is already bad and will be an issue. Mrs. Peterson also expressed her concern with the lack of area that the students have for physical education. She would also like to know where the students will be eating their lunches.

Linda Reichert, 2219 West Walnut Street, came forward to express her reluctance to have the school in the neighborhood because of the traffic and the lack of facilities for the students to eat their lunch and have some recreation area. The grass area along the fence is currently used by the cats in the neighborhood for hunting and for a sandbox. It is not sanitary for children. It is also an ankle breaker with all the pot holes that are there. Her other concerns are regarding landscaping, the type of fencing and the entire look of the area after the modulars are placed on the property. Chair Heinitz reassured her that this would not be the final step in the process for the school. They will still have to go before the SPARC Committee for a site plan review. She would also like everyone to keep in mind that this school is not a neighborhood school in so far as the students attending the school are not from the neighborhood which means that all the students will have to be driven to and from the school.

In response to Vice Chair Kuehne, Mr. Lepart stated that the lunch area will be outside in good weather and in the portables when the weather is poor.

Public Portion of Hearing Closed

- In response to Commissioner Haugan, Mr. Hatch stated that the Public Works Department has taken into account the information regarding the traffic that already exists. He also stated that there will be 47 parking spaces left for cars after the modulars have been put into place and that there will be space available for picking up the children during bad weather.

Commissioner Cummins stated that all schools have traffic issues. The school is a positive move toward meeting our infill needs. He is also comfortable with SPARC handling the aesthetics of the project.

MOTION:

Commissioner Cummins motioned, Heinitz second for the purpose of discussion only to approve the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue.

Discussion on the motion:

Chair Heinitz stated that he is a big supporter of the people coming out and stating their opinion. He has a big concern with the traffic issue because like Mrs. Reichert said this is not a neighborhood school and that will mean up to an additional seventy-five cars twice a day on that street.

Motion never went to vote.

MOTION:

Vice Chair Kuehne motioned, Cummins second to add an amendment to the original wording to modify condition, Item K with a start time of 8:30 a.m. to a finish time of 3:05 p.m.

Under discussion on the motion:

Commissioner Haugan would like to see the project happen but would like to see the request continued with additional work by staff to see if something can be done with the traffic issue to help gain the support of the people that live there, but as the motion stands now he would have to vote no.

In response to Commissioner Cummins, Mr. Hatch stated that the Public Works Department determined that the increase in traffic would not be significant over and above the current pattern. Staff can go back and request further information if that is helpful to satisfy everybody's concerns. Mr. Hatch also stated that the intersection does not warrant a traffic light.

Commissioner Moran would have to vote no at this point. She would like more information from Public Works regarding the traffic issue.

The motion failed by the following vote:

Ayes: Commissioners – Kuehne and Cummins
Noes: Commissioners – Haugan, Moran, White, and Chair Heinitz
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Haugan, Kuehne second, to continue the Item to the meeting of February 22, 2006.

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

The motion to continue carried.

b) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Heinitz called for the public hearing to consider The request for approval of a Tentative Parcel Map to allow an existing office building to be divided into a six-unit office condominium at 1745 West Kettleman Lane. (File#: 05-P-009, Applicant: Western Professional Buildings)
CEQA Status: Exempt Resolution #: P.C. 06-06

David Morimoto, Senior Planner, reported that this item had a related item before the Planning Commission last year when the lot was created. A six unit office building has been constructed and the offices were designed to be six separate units with separate entries under one single owner. The idea now is to create six separate office condominiums with six separate owners with an association to manage the property (e.g., landscaping, repairs, etc.). The parcel would be owned in common by all the owners of the condos. The property is surrounded by other offices and single-family residents.

In response to Chair Heinitz, Mr. Morimoto stated that the offices were constructed with a potential property line wall. The building code does not treat this type of condo the same

as a residential condo. The Buyers will have to go through the Department of Real Estate for CC&R's.

In response to Commissioner Haugan, Mr. Morimoto stated that the CC&R's would cover the agreement of who takes care of the grounds. Randy Hatch, Community Development Director, stated that there is a condition in the resolution (section 4) that gives City staff the opportunity to review and modify the CC&R's if necessary to insure property maintenance.

Hearing Opened to the Public

- Brian Gorbet, Dillon and Murphy Engineers, came forward to answer questions and stated that he concurred with Staffs findings.

Public Portion of Hearing Closed

- No Commission Discussion

MOTION / VOTE:

The Planning Commission, motion of Commissioner Haugan, Moran second, to approve the request for approval of a Tentative Parcel Map to allow an existing office building to be divided into a six-unit office condominium at 1745 West Kettleman Lane. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

4. PLANNING MATTERS

A new section that will be appearing from time to time will be "Planning Matters" it will consist of articles and information that might be of interest.

Mr. Hatch reported on current larger planning projects. There has been forward movement in the Frontiers EIR, a draft is expected in March. The Blue Shield/Reynolds Ranch NOP is out for comment and in another month or so we will have an EIR for that.

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Next week council will hold the Miller Ranch Public Hearing.
Mayor Pro Tempore Johnson asked to re-visit the Council authorization to get proposals to hire a consultant regarding the greenbelt issue.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

Commissioner Haugan asked if the Commission should have a CEQA desk book. Mr. Hatch responded that there are many books and manuals available but the best place for the Commissioners to get information is at the Monterey Conference.

Janice Magdich invited the Commissioners to participate in the Centennial Cookbook that the City is putting together.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:45 p.m.

ATTEST:

Randy Hatch
Community Development Director

LODI PLANNING COMMISSION
REGULAR COMMISSION MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 22, 2006

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of February 22, 2006, was called to order by Chair Heinitz at 7:00 p.m.

Present: Planning Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz

Absent: Planning Commissioners – None

Also Present: Community Development Director Randy Hatch, Senior Planner David Morimoto, Deputy City Attorney Janice Magdich, City Engineer Wally Sandelin, and Administrative Secretary Kari Chadwick

Introduction of the new Planning Commissioner Wendel Kiser

2. MINUTES

a) None

3. PUBLIC HEARINGS

a) Pursuant to action taken by the Planning Commission on February 8, 2006 to continue the Public Hearing to February 22, 2006, Chair Heinitz re-opened the public hearing to consider the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue. (File#: U-05-020, Applicant: Lodi Avenue Baptist Church) CEQA Status: Exempt Resolution #: P.C. 06-05.

David Morimoto reported that at the previous meeting on February 8, 2006 some of the neighbors brought to staffs attention some of their concerns. There were three major issues consisting of traffic problems, the possibility of littering, and the look of the property with portables and screening. The traffic increase on Allen Drive will be approximately 130 trips per day. The last traffic count on Allen Drive was approximately 761 vehicle trips per day and staff feels that the street can handle the additional traffic because the capacity of the street is roughly 2000 vehicle trips per day. The neighbors would most likely notice the additional traffic on Allen Drive but that increase would not rise to a significant level, a level beyond the roads design capacity. Staff came up with two new alternatives for the traffic flow to help minimize the adverse affect to the neighborhood which are shown in exhibit A and B (see attached), in the packet. The driveways not in use would be blocked off.

In response to Chair Heinitz, Wally Sandlin, City Engineer, stated that adding a condition of putting up no parking signs on Allen Drive could be a possibility. It would be subject to the review of both the Police Department and the City Council.

In response to Chair Heinitz, Mr. Morimoto stated that the supplemental conditions following the proposed Resolution are alternatives for the Commissioners to choose from. He also stated that taking a driveway down the entire length of the property was an idea that was looked at but a good deal of the grass area would have to be taken up.

David Morimoto also reported that the Vineyard Christian Middle School (VCMS) would be willing to acknowledge St. Peters by staggering the drop off and pick up times and they have already talked with the St. Peters Principal. VCMS are also going to have an

adult traffic monitor at both times. The school officials are going to create a handout of how to drop off and pick up their students to pass out to all the parents.

In response to Commissioner Moran, Mr. Sandlin stated that there has been one accident reported at the corner of Allen Drive and Lodi Avenue in the last four years. It involved two vehicles traveling east bound on Lodi Avenue. Mr. Morimoto added that the incident in which the gentleman was hit happened over in front of St. Peters.

In response to Vice Chair Kuehne, Mr. Morimoto stated that Staff felt exhibit A spread out the traffic the best.

Hearing Re-Opened to the Public

- George Lepart, Vineyard Christian Middle School, came forward to thank the staff and honored the neighbors for all of their respect shown at the Hearing. The VCMS Board went out and observed the area during the high traffic times for five consecutive days and created a chart to show the flow of traffic for both the north and south bound directions on Allen Drive. The information gathered was the same as what the City had reported previously. It was never the intent to stage the drop offs or pick ups on Allen Drive. The adult monitor has already been put in place at the current site and will continue at the new one. The School is more than willing to stager times to help alleviate the traffic issue. A chain link fence was never an option of the School. VCMS intends to put something up that will be indicative of the neighborhood and of the Church. A liaison is being established to interface with the neighborhood during this time and throughout the entire process of getting this project up and running.

Dean Ruiz, 1118 Chateau Court with Hakeem, Ellis & Marengo, stated that the staff report indicates that staff feels this is an opportunity for infill. The applicant has gone above and beyond to be accommodating and has indicated that they are willing to work with the neighborhood. The School is looking forward to working with SPARC so that an aethically pleasing plan for both the school and the neighborhood can be established. There has been no history indicating that noise or littering will be a problem with this project.

Pat Patrick, 2848 Applewood Drive, came forward to support the project. He stated that he is looking at the project from three different angles, one from a leadership position in the community, two from a consumer of the educational product that the school produces and third as a Dad. He supports the application because this type of school is good for creating good citizens for our community. Having an up-close and personal view of the quality of this organization, he sees no economic reason for the property values to go down in the neighborhood. As a dad, the school has been a very positive experience for he and his family.

David Johnson, 2200 Jackson Street, came forward to oppose the project. He and his wife live about a half a block from the project site. They shopped around before they bought the house. They bought there because they liked how quite the street was. They had to pay top dollar for the house because of the location. They paid it because they wanted a quite, low traffic area for their kids play in the yard.

Paula Peterson, 2224 Jackson Street, came forward to oppose the project. She and the neighbors have been canvassing the neighborhood and the feeling is the same. She feels that people will pick the path of least resistance and when the traffic can't get across Lodi Avenue people will start using the neighborhood streets to get to an from the school. Mrs. Peterson handed in a map depicting the neighborhood which showed the

homes that are for and against the project. She stated that she and her husband bought in the neighborhood for the quite and would like to keep it that way. There have been two car accidents that have ended up in the Pastor's yard and a car that recently came across Lodi Avenue, part of the Church property and ended up in her neighbor's yard. There are traffic accidents, it is a hectic corner.

Paul Taormina, 2225 Jackson Street, came forward to oppose the project. The area is already noisy with the garbage lid slamming. Pastor Mike Abdollahzadeh has been asked to address this already and nothing has been done. People litter by throwing beer cans and bottles in the area. Then there will be the added noise from dogs being walked and barking at the added commotion. We just don't want this school across the street from us.

Bob Peterson, 2224 Jackson Street, came forward to oppose the project. At the last meeting Pastor Mike came forward to talk about his enlightenment in regards to this project and how he approached two of the neighbors and after telling them about the project he was shocked and dismayed at their negativity toward the project. What Pastor Mike forgot to mention was that he told them that the project would not go forward without neighborhood support. While canvassing the neighborhood, we found that there was only one household that had attended Lodi Avenue Baptist Church actually living in the neighborhood. Pastor Mike's daughter is the only student that we know of that actually lives in the neighborhood that will be attending the school, all the other students will have to be driven in from other areas. A neighborhood should have the right to shape its own destiny.

Dean Walker, 2207 Capell, came forward to oppose the project. The site has only 60 parking spaces and some of those will have to go to make room for the portables. The site has no room to grow and churches and schools want to thrive and grow. Lodi Avenue will have a lot of extra traffic and left hand turns off Allen Drive will cause more problems than have been addressed. The buildings will be portables and will be unsightly for the neighborhood. He was disappointed with the lack of notification to all of the property owners that will be affected.

Linda Engrav-Clarke, 2101 Jackson Street, came forward to support the project. She signed the petition that was passed around and after signing the petition read the letter that came with it and had regrets. She tried to take her name off of it but was unable to get a hold of Mrs. Peterson. The letter gives the impression that all children are noisy and that all portables are ugly and that isn't the case. The letter also referred to speeding which is already a problem, but she felt that if this tight nit neighborhood felt speeding was such a problem she would have had a petition presented to her regarding that issue. She questions the intent of the petition and feels that the Church and School are trying to accommodate the needs and wishes regarding the concerns that the neighborhood has brought forward.

Kevin Stevens, 1408 Graffigna Avenue, came forward in support of the project. He is a parent of two children that have been involved with the school since it's inception. The parents and students have stepped up and shown that they do care about the neighborhood that their school is in by the actions shown at the Woodbridge Middle School site. The improvements made there were made by them. The students are taught honor and respect and it shows in both the look and attitude of the school. He coaches a soccer team at the Henry Glaves Park and during that season the traffic and noise far exceed the expectation of the schools traffic. He would like to be able to live in

this neighborhood and wouldn't mind living across the street from this school because of the people that will be there.

Mary Colbert, 2133 Jackson Street, came forward to oppose the project. She has lived in the neighborhood for a long time and has made the decision to stay. She is concerned about the traffic filtering down Jackson Street. She is very concerned with what will happen down the road as staff changes with the school. She then drew correlations with a public school in the Bay Area and the problems that her daughter has had with the students and the lack of respect shown by them to her daughters property. She can hear the soccer games and the pool in the summer time because she is outside more. She and her husband looked at several homes before buying on Jackson Street and avoided a home on Virginia Street because of it's proximity to Vinewood School.

Scott Gaston, 2307 Aladdin Way, came forward to support the project. He lives one block in from Glaves Park and has a child going to the Vineyard Christian Middle School. He doesn't feel traffic will be a problem. Everyone bought in the neighborhood with the church already there and given the property size should have expected the church to try and grow. The quality of the staff and parents that are involved with the school are top notch and he is very glad to have his daughter become a recent addition to the student body. He was not approached with a petition against the school but if he had been he would not have signed it.

Myrna Pitchford, 1525 West Elm Street, came forward to support the project. The differences between a public and private school are like black and white. The kids will be more of a help in the area than a problem because of what they are taught. Everything changes and there are so many other things that could go into this area that could be worse for the neighborhood.

Chris Johnson, 2200 Jackson Street, came forward to oppose the project. She went to a Christian School and kids are kids and will be loud. She bought the house because of the quite and the traffic will take that away. She understands that the parents that are taking their children to this school want to have an environment where they can instill the proper values in them and hopes they can find a site where they can do that and are able to grow as well. Trash even with the best intentions will inevitable find it's way into the surrounding neighborhood.

Michele Borges, 2124 Jackson Street, came forward to oppose the project. She has children that go to a private school and parents are people and will get in a hurry and will not always follow the rules. She is concerned with the children playing in the yard and just getting out of the neighborhood to take her kids to school, which is already a problem. She stated that the student body size where her child goes is 200+.

Alyssa Oliver, 707 South Church Street, came forward to support the project. She feels the residents have a fear of the unknown. VCMS is not a public school. The top attendance of the School is 87 students. There are no plans for growth. She as a founding board member stated that if the school is going to grow it will look for a new site. Trash is an issue for the school also and past practice will show that there will be a positive change. The only noise will be daytime noise during PE, recesses and at lunch time. The public schools in the area release between 2:15 and 2:30 p.m. and VCMS releases at 3:00 p.m. leaving a significant gap to help alleviate the traffic issues. It is unfair to compare a K-8 public school to a 6-8 Christian school. This will be a positive place in the neighborhood.

In the response to Chair Heinitz, Mr. Hatch stated that the school will be limited to exactly what they are asking for which is 75 students and if they wish to increase it they must come back with an amendment to the Use Permit.

Nicholas Bettencourt, 2114 Jackson Street, came forward to oppose the project. This is not a character issue it's a safety issue for our kids. We bought in the neighborhood without a school and that is what we want. It isn't fair to have this school going in down the street from where we live; this is being force feed down our throats.

Linda Engrav-Clark, 2101 Jackson Street, came forward a second time in support of the project. She bought the home in 1993 and knows that change happens. The people that bought in the area knew the church was there and could see the potential of growth.

George Lepart, Vineyard Christian Middle School, came forward to answer some of the statements made by the neighborhood. He also wanted to clarify that there are currently 75 students enrolled in the school and the maximum would be 84 which is 28 students per grade.

Chair Heinitz stated that the Commission and Staff are trying their very best to find a solution that will satisfy everyone's needs.

Public Portion of Hearing Closed

- Chair Heinitz asked to have the map brought back up again so he could see where the church's entrances and exits lined up with Jackson or Walnut Streets and received clarification of which entrances and exits would be used for drop offs and pick ups.

In response to Commissioner Moran, Mr. Hatch stated that if there is an expansion of the church then they would have to come back and get an amendment for the church or the school. If there were any new construction it would be brought back to the Commission.

In response to Commissioner Haugan, Mr. Hatch stated that the document was prepared for 75 students but the Commission can change it tonight to the mentioned 84. There are no set rules regarding the number of students per class from the City's point of view. The number of students per modular will come to staffs attention when the building department gets the application for the building permit.

OPEN TO APPLICANT FOR CLARIFICATION:

In the response to Vice Chair Kuehne, Mr. Lepart stated that the maximum number of students will be 28 per grade which is one sixth grade, one seventh grade, and one eighth grade class. The fourth modular will be for multi-purpose use.

CLOSED TO APPLICANT

Commissioner Haugan and Chair Heinitz both stated that it does make a difference how many students are allowed now and it should be clarified in the resolution tonight.

In response to Commissioner Kiser, Mr. Hatch stated that the supplemental conditions and traffic options should address the traffic issue. Conditions can be added to hold the school responsible for the way their students arrive and leave based on the chosen

conditions. It would be difficult to enforce, but the school can be held responsible if the actions are not adhered to.

Vice Chair Kuehne noted that the people were split on the issue. He also went to St. Peters and talked with the principal about the complaints that were filed and found that they were usually on the days that a school function occurred outside of school hours. He also said that he could not remember any accidents occurring around the school. The traffic flow seemed to flow well in the Allen Street and Lodi Avenue area.

MOTION / VOTE:

The Planning Commission, motion of Vice Chair Kuehne, Cummins second, to approve the amendment of section G at the 8th whereas to read that the total student population be 84 students and would reflect the appropriate dollar change.

In response to Commissioner Haugan, Mr. Hatch stated that amendments can be made and voted on before the main motion.

Commissioner Cummins commented that churches house schools all over the City and it has been a common practice for many years. He is in support of this project.

The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz

Noes: Commissioners – None
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, motion of Haugan, Kuehne second, to approve the amendment of Item J to include that the Vineyard Christian Middle School shall install additional features along Allen Drive to screen the school from the street. These features can include new fencing, shrubs, trees and any other items deemed appropriate by SPARC. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White, and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

In response to Commissioner Kiser, Mr. Hatch stated that the applicant must go to SPARC and the issue of the look and age of the portables can be handled there.

MOTION / VOTE:

The Planning Commission, motion of Kuehne, Cummins second, to approve the supplemental conditions numbers 1, 3, 4, 5, & 7 as provided. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kiser, Kuehne, Moran, White and Chair Heinitz
Noes: Commissioners – None
Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, motion of Commissioner Cummins, Kuehne second, to approve the request for approval of a Use Permit to allow Vineyard Christian Middle School to operate a private 6th -8th grade school on the property (including the placement of portable buildings) at 2301 West Lodi Avenue subject to the conditions of the attached resolution as well as the additions of the supplemental conditions numbered 1, 3, 4, 5, & 7 as well as the amended Item G and Item J blended with supplemental condition number 6.

Commissioner Moran stated her opposition to items 5 and 6 of the resolution because she has not seen anything to show that the traffic will not have an adverse effect on the neighborhood. She also has an issue with the lack of parking spaces should the church decide to take on a variety of activities over and above the regular church services. She can not support this project.

Commissioner Haugan stated that he has been to the site and has not seen anything to show that the traffic will be an issue. He believes that this is a good use for the property. He would also like to see the trash set behind a screen and recycling bins used. He supports this project.

Chair Heinitz went out and looked to see how Zion Middle School cues their parents in for drop offs and pick ups and they are very diligent about taking their traffic completely off of Ham Lane and everything is done in their parking lot. They do have a bigger parking lot than this project, but he had no doubt that the Vineyard School will be just as diligent about getting the cars off of the street. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, and Chair Heinitz
Noes: Commissioners – Kiser, Moran, and White
Abstain: Commissioners – None

4. PLANNING MATTERS

Staff received the proposals for the General Plan and the draft of the Zoning Ordinance.

Janice Magdich went over the policy passed by council, regarding outside of meeting communication; just letting everyone know if there has been any communication with anyone that directly relates to the issue at hand outside of this forum.

In response to Chair Heinitz, Ms. Magdich stated that it is always a good idea when obvious opposition is present to mention the appeal process.

In response to Commissioner Moran, Ms. Magdich stated that the disclosure of outside communication should come before starting the deliberation portion of the Public Hearing.

In response to Commissioner Cummins, Mr. Hatch stated that staff gives Commissioners all the City's rules and regulations (the facts), it is the Commissions job to interpret for the public in regards to the intangibles.(ie. Aesthetics)

5. ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Randy Hatch reported that the Miller Ranch project received the approvals from Council. There were two conditions added to collect for any additional fees incurred by the outside consultant and extra planning time for additional review.

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE

None

9. ART IN PUBLIC PLACES

None

10. COMMENTS BY THE PUBLIC

None

11. COMMENTS BY STAFF AND COMMISSIONERS

In response to Chair Heinitz, Mr. Hatch stated that the Blue Shield/Reynolds Ranch Project does have to go through a process starting with the Planning Commission. The City Council authorized staff to hire an outside consultant to try to sheppard it through as fast as it can get done. The site is in the General Plan as a planned residential reserve.

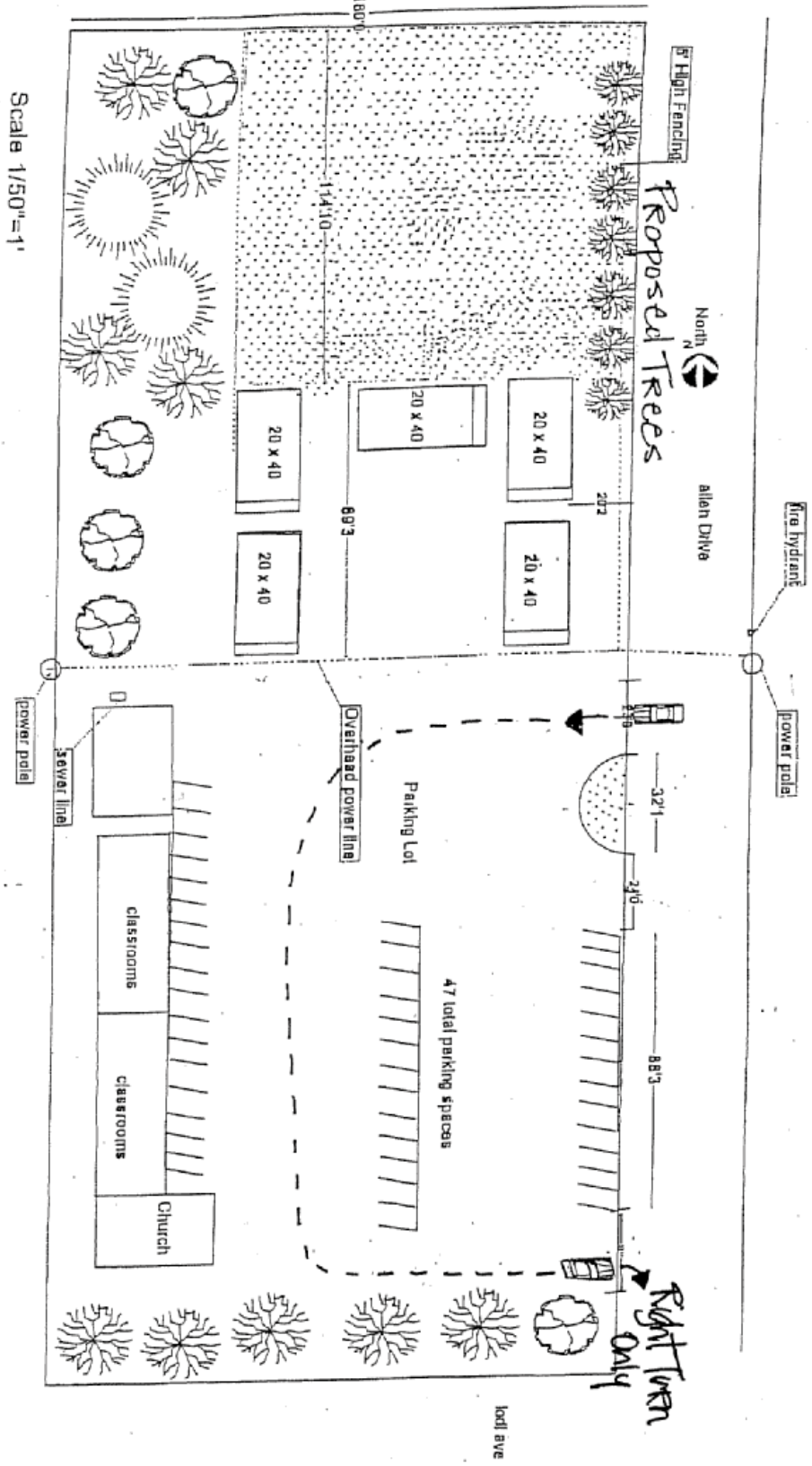
In response to Commissioner Moran, Peter Pirnejad, Planning Manager, stated that the scoping meeting for the Blue Shield/Reynolds Ranch EIR was last week and a presentation before the Planning Commission is scheduled for when the draft EIR has been prepared. The NOP runs through March 7, 2006.

12. ADJOURNMENT

There being no further business to come before the Planning Commission, the meeting was adjourned at 9:40 p.m.

ATTEST:

Randy Hatch
Community Development Director



Scale 1/50"=1'

Exhibit A

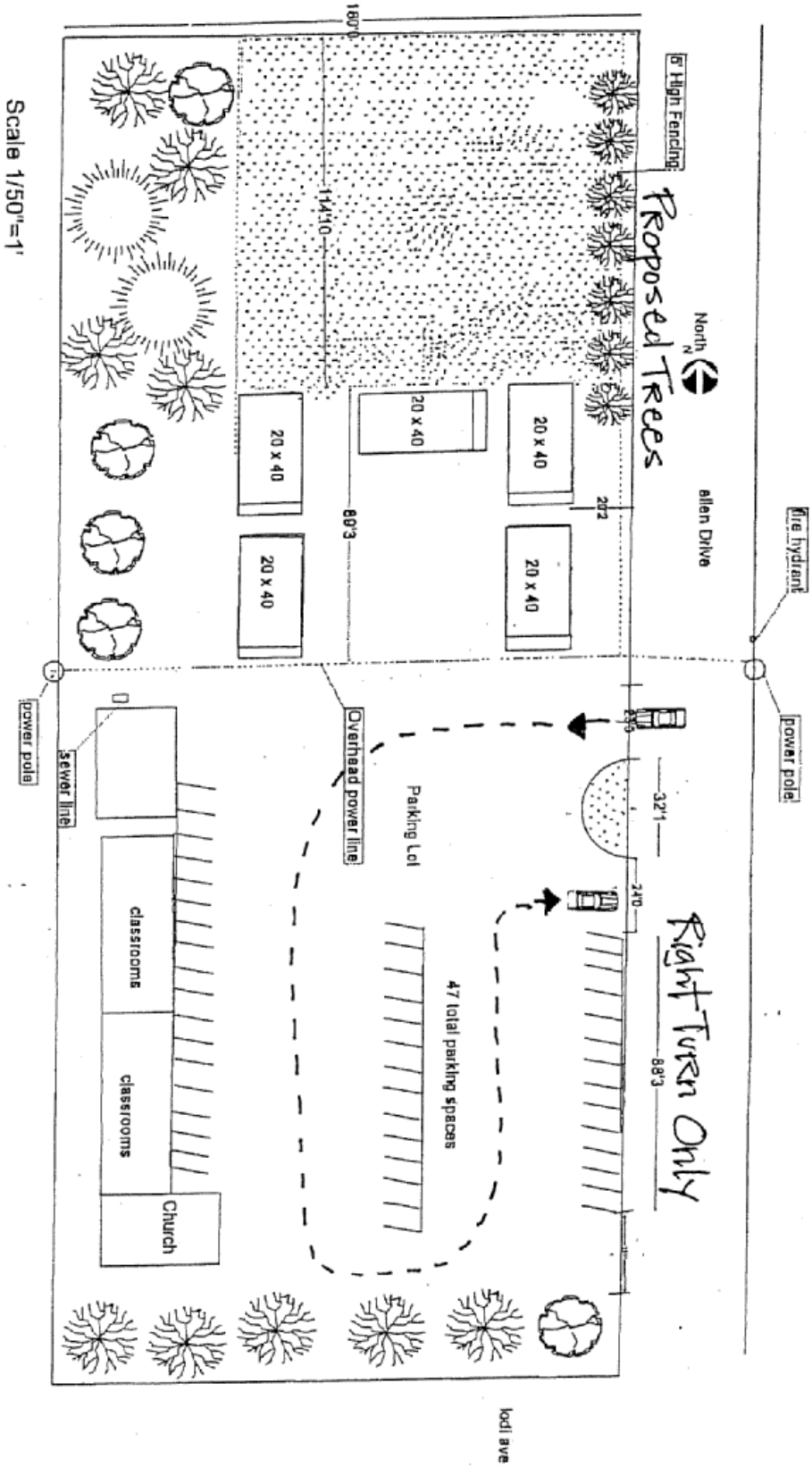


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Exhibit B

RECEIVED
FEB 01 2006
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

January 30, 2006

City of Lodi Planning Commission
Community Development Director
P.O. Box 3006
Lodi, California
95241-1910

Chairman, Members of Lodi Planning Commission:

Reference is made to the pending public hearing to consider a Use Permit to allow the Vineyard Middle School to locate at the Lodi Avenue Baptist Church. I apologize that due to other conflicts we will not be able to attend the February 8, 2006 hearing to consider this item. However, we want to register our objection to this Use Permit being approved. While we have always enjoyed the Lodi Avenue Baptist Church as our neighbors, the location of a school on their property is wrong for several reasons.

First, placing the school in this location will no doubt require the location of more portable buildings on the property. As you have no doubt noticed during your on-site review of the property, it is not very deep which will mean the portables will be located in full view of residences in the area, not very pleasing aesthetically to say the least.

Secondly, there is the matter of increased traffic in the neighborhood. Assuming the enrollment is only 75 people, that's150 extra vehicles in the neighborhood each day. We have lived in our house for 36 years and bought here originally because of the quiet neighborhood.

Thirdly, there is the issue of increased noise from the students attending the school. We're certainly not opposed to the students, but we bought next to a church, not a school. Lastly, there is the matter of increased trash that all schools seem to generate. Prevailing winds will bring it directly into our yard.

Having said the above, I question the decision to consider this request without requiring that an Environmental Impact Report be prepared to address the above issues, as well as those not mentioned. As a former Lodi Planning Commissioner I would not have considered this request without an EIR addressing all of the potential adverse impacts of the project to the community. How can you consider this permit as Exempt?

I would hope that you will consider very carefully what you are being asked to approve, consider what it will do to the local community, put yourself in our position and vote **No**.

Thank-You for hearing our concerns,

Sincerely,

W. John Schmidt
2216 W. Walnut St.
Lodi, Ca. 95242

Sandra M Schmidt
2216 W. Walnut St.
Lodi, Ca. 95242

February 2, 2006

RECEIVED
FEB 0 3 2006
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Randy Hatch
Community Development Director
City of Lodi Planning Commission
P.O. Box 3006
Lodi, CA 95241-1910

To: Director, Members of Lodi Planning Commission

Re: RESOLUTION #: P.C. 06-05
We are expressing our opposition to the approval of a Use Permit, Vineyard Christian Middle School to locate on the property at 2301 West Lodi Ave.

Due to prior commitments, we are unable to attend the meeting on February 8, 2006.

We have lived at 2225 West Walnut Street (north-east corner of Walnut and Allen), which is across the street from the proposed school site, for 34 years. We have never had any problems with Lodi Avenue Baptist Church; however, to establish a school in this mostly residential area will present some problems.

1. More portable buildings on this property. It does not appear to be large enough to accommodate them and they would not present a good appearance in this residential area.

2. More noise will certainly surround us with the increase of cars and students. There may be even more trash for us to pick up as we try to keep our streets free of litter, which many of us do. We knew the church was here when we moved to our home, but never thought we would be living by a school. We certainly approve of students in a clean and good environment, but there must be a better local location for them.

3. The traffic in this area, on a two-lane street, will increase immensely, with the dropping off and picking up of students. We really wonder for the safety of the children. In times past we have had cars try to make the curve by our close park as fast as they can; even having them crash into neighbors yards and trees, and speeding so fast their cars have turned around in the middle of the street. How safe will it be?

4. Before you allow your approval of P.C. 06-05, please think of us living so close and crowded with traffic, and how a school located so near will affect us.

Please vote NO. We respect your careful consideration.

Sincerely,

O. Carlton Martin Edna L. Martin

O. Carlton Martin and Edna L. Martin
2225 W. Walnut St.
Lodi, CA 95242-3238

February 5, 2006

RECEIVED
FEB 07 2006
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Randy Hatch
Community Development Director
P.O. Box 3006
Lodi, CA 95241-1910

RE: File # U-05-020 Lodi Avenue Baptist Church requesting a Use Permit to allow Vineyard Christian Middle School to locate a private school on the property at 2301 W. Lodi Ave.

We are **AGAINST** the approval of this Use Permit.

We have resided at 2225 Jackson Street (N.E. corner of Jackson and Allen) for nearly 17 years. The proposed area for the school is directly across from our bedroom window (on Allen Drive side). Obviously, when we bought our house the church was there, but we never anticipated a school being there too. If we had wanted to live across from a school, we would have bought a house across from a school. A while back, the church put a mobile home on the site that was only supposed to be temporary, however it remains there today.

As we understand it, they will move portable buildings to the site. This is mostly a residential neighborhood and we feel that the appearance of these portables will be degrading to the neighborhood. Let us mention again, that these will be located across from our bedroom window. We will not welcome the noise of cars, car doors slamming, loud talking of students, heating and air conditioning units on the portables and other noises that are associated with schools. Imagine this happening to you.

Allen Drive is a two-lane street. We all ready have a traffic problem. Speeding is the biggest problem. There is a private school located at Elm and Oxford and a lot of the parents that drop off their children drive up Oxford which loops around and becomes Allen Drive. Several times there have been crashes onto yards and into trees because of speeding.

Litter is also a concern. For several years, again across from our bedroom window, on the church property there has been a newspaper recycle bin and a trash dumpster. People have dumped at all hours - day and night. Even with these dumpsters, we are cleaning up litter that has blown into our yard from across the street. Obviously, the dumpsters will be relocated, but we will still have the potential of more trash and litter in the area.

We're sure that there are other locations more suitable for their school. We do not feel that our neighborhood is. We urge you to please vote **NO.** Thank you for your consideration.

Paul Taormina & Dana Ashbaugh
2225 Jackson Street
Lodi, CA 95242
(209) 333-1800

LODI CHAMBER OF COMMERCE

February 7, 2006

Lodi Planning Commission
City Hall, City of Lodi

Dear Commissioners,

I'm out of town an unable to speak personally before you tonight. Therefore I want to speak through this letter on behalf of the relocation of Vineyard Christian School.

Vineyard is a distinguished organization; Vineyard strives for the combination of educational excellence and the spiritual preparation of young people. Vineyard is all about preparing young people to be successful in life. From what I know, there is no middle-school educational experience better than Vineyard. It is important to have such an institution as it "raises the bar" of educational standards for other schools here in Lodi.

The faculty and board of directors at Vineyard are some of the most professional, caring and dedicated people in Lodi. The project as I understand it, places the school on the property of Lodi Avenue Baptist Church, just off Lodi Avenue. This combination is a winner for students and the city alike as it promotes cohesiveness and is positive for both organizations.

I wholeheartedly support this project and ask you to do the same tonight.

Sincerely,

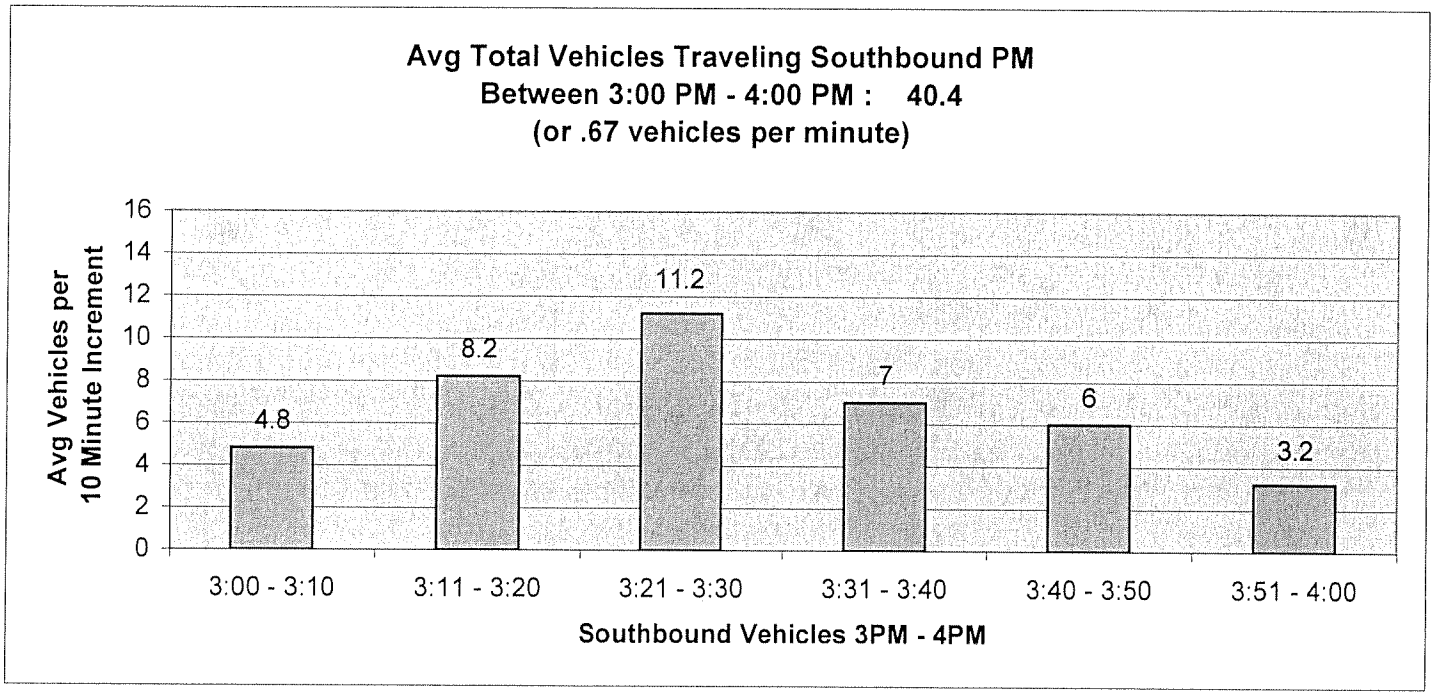
Pat Patrick
President / CEO
Lodi Chamber of Commerce

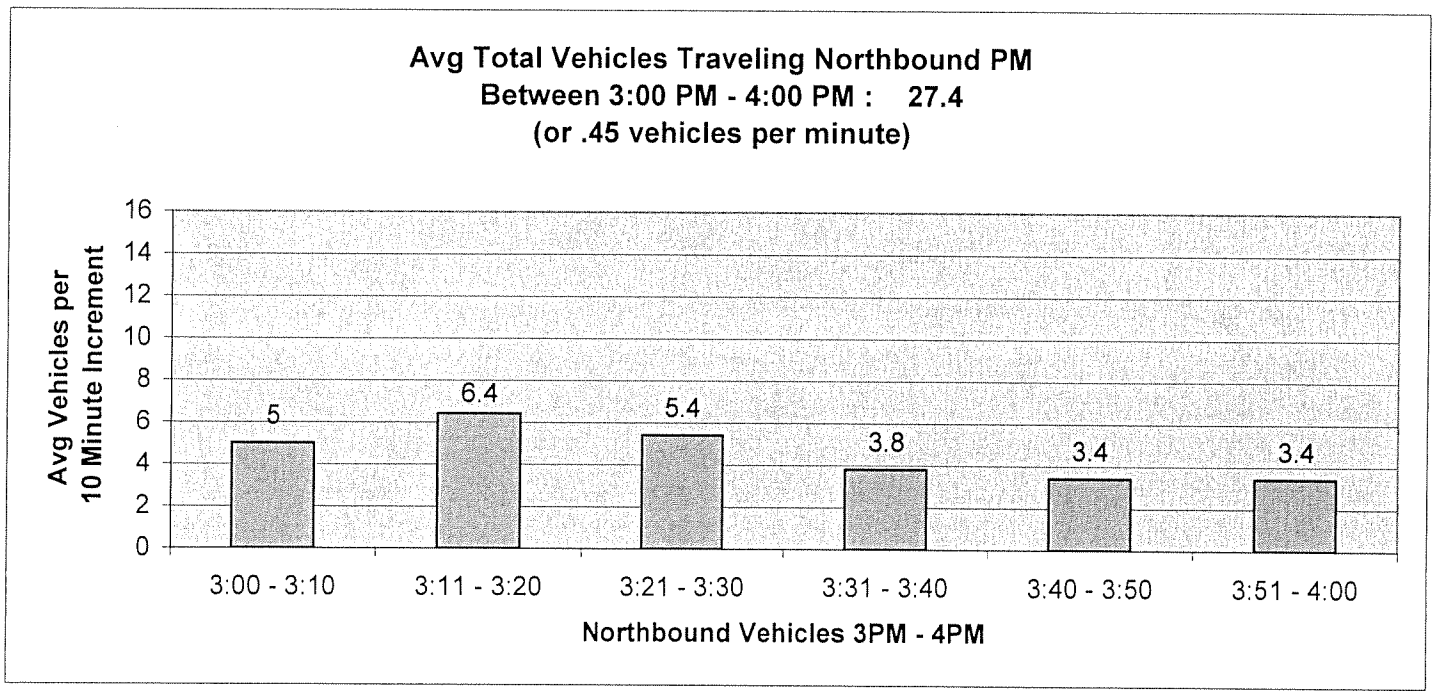
35 South School Street • Lodi, California 9

Fax: 209.369.9344 • www.lodichamber.com

Prepared by Applicant

Study Period February 10 - February 16, 2006





February 10th, 2006

8:00AM - 9:00AM

#	Southbound to LODI AVE. NEIGHB	TIME	# IN CAR	Northbound from LODI AVE. NEIGHB	TIME	# IN CAR
1	Yes	8:07 AM	1	Yes	8:02 AM	1
2		8:08 AM	2		8:07 AM	2
3		8:09 AM	1		8:11 AM	1
4		8:09 AM	1		8:12 AM	1
5	Yes	8:10 AM	1		8:22 AM	2
6	Yes	8:13 AM	1		8:24 AM	2
7		8:14 AM	2		8:38 AM	1
8	Yes	8:15 AM	2		8:42 AM	1
9		8:15 AM	1	Yes	8:47 AM	2
10		8:16 AM	1		8:54 AM	2
11	Yes	8:16 AM	1	Yes	8:59 AM	1
12		8:17 AM	1			
13		8:17 AM	2			
14		8:18 AM	1			
15		8:18 AM	1			
16		8:18 AM	2			
17		8:19 AM	1			
18		8:20 AM	2			
19		8:24 AM	2			
20		8:25 AM	1			
21		8:26 AM	1			
22		8:28 AM	1			
23		8:29 AM	1			
24		8:29 AM	1			
25		8:30 AM	1			
26	Yes	8:30 AM	1			
27		8:32 AM	1			
28	Yes	8:33 AM	2			
29		8:38 AM	1			
30	Yes	8:39 AM	1			
31		8:41 AM	1			
32		8:43 AM	2			
33		8:44 AM	1			
34		8:47 AM	1			
35		8:47 AM	1			
36		8:48 AM	1			
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39		8:50 AM	1			
40		8:52 AM	1			
41		8:53 AM	1			
42		8:53 AM	2			
43		8:57 AM	1			
44		8:58 AM	1			
45		8:59 AM	1			
46		9:00 AM	1			
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3:00PM - 4:00PM

#	Southbound to LODI AVE. NEIGHB	TIME	# IN CAR	Northbound from LODI AVE. NEIGHB	TIME	# IN CAR
1		3:04 PM	1		3:00 PM	1
2	Yes	3:04 PM	1	Yes	3:00 PM	1
3	Yes	3:05 PM	1		3:01 PM	1
4		3:06 PM	2		3:06 PM	1
5		3:10 PM	1		3:08 PM	1
6		3:11 PM	1		3:08 PM	3
7		3:12 PM	2		3:09 PM	2
8		3:14 PM	2		3:09 PM	1
9		3:15 PM	1		3:10 PM	1
10		3:15 PM	1	Yes	3:12 PM	1
11		3:16 PM	2		3:14 PM	1
12		3:17 PM	1		3:15 PM	1
13		3:18 PM	1		3:17 PM	1
14		3:18 PM	1	Yes	3:20 PM	2
15		3:18 PM	2		3:20 PM	1
16		3:19 PM	3		3:23 PM	1
17	Yes	3:22 PM	1		3:23 PM	1
18		3:23 PM	2	Yes	3:29 PM	1
19		3:24 PM	2		3:30 PM	1
20		3:24 PM	1	Yes	3:31 PM	3
21		3:24 PM	2		3:34 PM	1
22		3:25 PM	2		3:36 PM	1
23		3:25 PM	2		3:36 PM	1
24		3:26 PM	1		3:37 PM	1
25		3:26 PM	2		3:38 PM	1
26		3:30 PM	2	Yes	3:40 PM	1
27		3:30 PM	2		3:41 PM	1
28		3:32 PM	1	Yes	3:51 PM	1
29		3:33 PM	3		3:57 PM	2
30		3:33 PM	1		3:59 PM	1
31		3:35 PM	2			
32		3:36 PM	1			
33		3:36 PM	1			
34		3:37 PM	3			
35		3:40 PM	1			
36		3:45 PM	4			
37		3:46 PM	1			
38		3:49 PM	1			
39	Yes	3:50 PM	2			
40		3:50 PM	1			
41	Yes	3:53 PM	3			
42	Yes	3:55 PM	1			
43		3:56 PM	1			
44		4:00 PM	1			
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February 13th, 2006

8:00AM - 9:00AM

#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR
	Southbound to LODI AVE.			Northbound from LODI AVE.		
1	Yes	8:00 AM	1		8:06 AM	1
2	Yes	8:01 AM	1		8:07 AM	1
3		8:02 AM	1		8:08 AM	1
4		8:05 AM	1		8:14 AM	1
5		8:06 AM	1		8:15 AM	1
6		8:06 AM	1		8:15 AM	1
7		8:08 AM	1		8:19 AM	2
8	Yes	8:10 AM	3		8:23 AM	2
9		8:11 AM	1		8:29 AM	1
10		8:12 AM	2		8:33 AM	1
11		8:13 AM	1		8:35 AM	1
12		8:14 AM	1		8:35 AM	2
13		8:15 AM	1		8:45 AM	1
14		8:15 AM	1		8:46 AM	1
15		8:17 AM	1	Yes	8:48 AM	1
16		8:18 AM	1		8:48 AM	1
17		8:18 AM	1	Yes	8:54 AM	1
18		8:18 AM	1			
19		8:19 AM	1			
20		8:19 AM	1			
21		8:20 AM	1			
22		8:21 AM	1			
23		8:22 AM	1			
24		8:22 AM	1			
25	Yes	8:22 AM	1			
26		8:23 AM	1			
27		8:24 AM	1			
28		8:24 AM	1			
29		8:24 AM	1			
30		8:25 AM	1			
31		8:28 AM	1			
32		8:28 AM	1			
33		8:29 AM	1			
34		8:30 AM	1			
35	Yes	8:31 AM	1			
36		8:32 AM	1			
37		8:34 AM	1			
38		8:35 AM	2			
39		8:36 AM	1			
40		8:36 AM	1			
41	Yes	8:38 AM	2			
42		8:38 AM	1			
43		8:39 AM	1			
44		8:40 AM	1			
45		8:42 AM	2			
46		8:43 AM	2			
47		8:43 AM	1			
48		8:43 AM	1			
49		8:44 AM	1			
50		8:44 AM	1			
51		8:44 AM	1			
52		8:44 AM	2			
53	Yes	8:51 AM	1			
54	Yes	8:55 AM	1			
55		8:56 AM	1			
56	Yes	8:57 AM	1			
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3:00PM - 4:00PM

#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR
	Southbound to LODI AVE.			Northbound from LODI AVE.		
1	Yes	3:00 PM	1		3:05 PM	1
2		3:00 PM	1	Yes	3:05 PM	1
3		3:03 PM	1		3:09 PM	1
4	Yes	3:06 PM	1		3:10 PM	1
5	Yes	3:06 PM	1		3:13 PM	1
6	Yes	3:10 PM	1		3:14 PM	2
7	Yes	3:12 PM	1		3:15 PM	1
8		3:14 PM	1		3:16 PM	1
9		3:14 PM	1		3:19 PM	1
10		3:16 PM	2	Yes	3:20 PM	2
11		3:17 PM	1		3:20 PM	1
12		3:20 PM	1	Yes	3:22 PM	1
13		3:20 PM	2	Yes	3:23 PM	1
14		3:20 PM	3		3:24 PM	2
15		3:21 PM	2	Yes	3:25 PM	1
16		3:22 PM	3		3:26 PM	2
17		3:22 PM	1		3:31 PM	1
18		3:22 PM	2		3:32 PM	1
19		3:23 PM	3		3:35 PM	1
20		3:24 PM	2		3:37 PM	2
21		3:25 PM	2		3:42 PM	3
22		3:25 PM	2		3:42 PM	1
23		3:25 PM	3		3:45 PM	1
24		3:26 PM	1	Yes	3:50 PM	1
25		3:27 PM	1		3:52 PM	1
26		3:27 PM	1		3:52 PM	1
27		3:29 PM	2		3:55 PM	1
28		3:31 PM	1		3:59 PM	2
29		3:33 PM	1			
30		3:33 PM	1			
31	Yes	3:33 PM	2			
32		3:34 PM	1			
33		3:34 PM	1			
34		3:34 PM	2			
35		3:35 PM	1			
36		3:36 PM	3			
37	Yes	3:38 PM	1			
38	Yes	3:40 PM	2			
39		3:41 PM	1			
40	Yes	3:42 PM	1			
41		3:43 PM	2			
42		3:44 PM	1			
43		3:44 PM	2			
44		3:48 PM	1			
45	Yes	3:48 PM	2			
46		3:56 PM	1			
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February 14th, 2006

8:00AM - 9:00AM

#	Southbound to LODI AVE. NEIGHB	TIME	# IN CAR	Northbound from LODI AVE. NEIGHB	TIME	# IN CAR
1	Yes	8:00 AM	1	Yes	8:00 AM	1
2		8:01 AM	1	Yes	8:00 AM	1
3		8:02 AM	1	Yes	8:03 AM	1
4		8:03 AM	1	Yes	8:07 AM	2
5	Yes	8:03 AM	1	Yes	8:10 AM	1
6		8:04 AM	1		8:12 AM	1
7		8:05 AM	1		8:14 AM	2
8		8:05 AM	1	Yes	8:15 AM	2
9		8:06 AM	1		8:16 AM	2
10		8:06 AM	1		8:19 AM	1
11		8:07 AM	1		8:20 AM	1
12		8:08 AM	1		8:20 AM	1
13		8:10 AM	1	Yes	8:21 AM	1
14		8:11 AM	1	Yes	8:28 AM	1
15		8:11 AM	1		8:28 AM	1
16		8:13 AM	1		8:30 AM	1
17		8:14 AM	2	Yes	8:31 AM	1
18		8:15 AM	1		8:32 AM	1
19		8:15 AM	1	Yes	8:34 AM	1
20		8:15 AM	1	Yes	8:43 AM	1
21		8:16 AM	1	Yes	8:44 AM	1
22		8:16 AM	1	Yes	8:46 AM	1
23		8:17 AM	1	Yes	8:52 AM	1
24	Yes	8:18 AM	1		8:55 AM	1
25		8:18 AM	1		8:56 AM	1
26		8:21 AM	1			
27		8:21 AM	2			
28		8:21 AM	1			
29	Yes	8:23 AM	2			
30		8:25 AM	1			
31		8:25 AM	1			
32		8:25 AM	2			
33		8:25 AM	1			
34		8:26 AM	1			
35		8:27 AM	1			
36		8:27 AM	1			
37	Yes	8:28 AM	1			
38	Yes	8:28 AM	1			
39		8:29 AM	1			
40		8:29 AM	1			
41		8:29 AM	1			
42		8:36 AM	1			
43		8:39 AM	1			
44		8:40 AM	2			
45	Yes	8:40 AM	1			
46		8:40 AM	1			
47		8:45 AM	1			
48		8:47 AM	2			
49	Yes	8:48 AM	1			
50		8:59 AM	1			
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3:00PM - 4:00PM

#	Southbound to LODI AVE. NEIGHB	TIME	# IN CAR	Northbound from LODI AVE. NEIGHB	TIME	# IN CAR
1		3:00 PM	1		3:00 PM	1
2		3:06 PM	1	Yes	3:06 PM	1
3		3:07 PM	1		3:06 PM	1
4		3:08 PM	1		3:09 PM	2
5		3:08 PM	3		3:10 PM	1
6	Yes	3:10 PM	1		3:12 PM	1
7		3:14 PM	1	Yes	3:14 PM	1
8		3:16 PM	2		3:15 PM	1
9		3:16 PM	4		3:15 PM	1
10		3:17 PM	5		3:15 PM	1
11		3:18 PM	3		3:16 PM	1
12		3:22 PM	2	Yes	3:19 PM	2
13		3:22 PM	1		3:21 PM	1
14		3:22 PM	2		3:21 PM	2
15		3:22 PM	4		3:22 PM	1
16		3:23 PM	4		3:23 PM	1
17		3:23 PM	3	Yes	3:29 PM	1
18		3:25 PM	1		3:29 PM	1
19		3:25 PM	2		3:34 PM	1
20		3:25 PM	1		3:36 PM	3
21		3:29 PM	1		3:38 PM	1
22		3:29 PM	1		3:38 PM	1
23		3:30 PM	1	Yes	3:42 PM	1
24		3:32 PM	2		3:46 PM	1
25		3:35 PM	1		3:46 PM	1
26		3:36 PM	1		3:47 PM	1
27		3:38 PM	1		3:51 PM	1
28		3:42 PM	1		3:54 PM	1
29		3:43 PM	1		3:59 PM	2
30		3:44 PM	2		3:59 PM	1
31		3:44 PM	1			
32		3:45 PM	1			
33		3:47 PM	2			
34		3:50 PM	1			
35		3:53 PM	2			
36	Yes	3:55 AM	1			
37		3:56 PM	1			
38	Yes	3:59 PM	1			
39		3:59 PM	1			
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February 15th, 2006

8:00AM - 9:00AM

#	NEIGHB	TIME	# IN CAR		NEIGHB	TIME	# IN CAR
	Southbound to LODI AVE.				Northbound from LODI AVE.		
1		8:00 AM	1			8:01 AM	1
2		8:00 AM	1			8:03 AM	1
3		8:03 AM	1			8:06 AM	1
4		8:04 AM	1			8:07 AM	1
5		8:04 AM	1		Yes	8:11 AM	1
6		8:05 AM	2			8:16 AM	2
7		8:06 AM	1			8:17 AM	1
8		8:07 AM	1			8:20 AM	1
9		8:08 AM	2			8:21 AM	1
10		8:08 AM	1			8:23 AM	2
11		8:09 AM	2			8:28 AM	1
12		8:11 AM	1			8:29 AM	2
13		8:11 AM	1			8:32 AM	1
14		8:11 AM	1			8:35 AM	1
15		8:13 AM	1			8:37 AM	1
16		8:13 AM	2			8:39 AM	1
17		8:15 AM	2			8:40 AM	1
18		8:15 AM	1			8:49 AM	2
19		8:16 AM	1			8:49 AM	1
20		8:18 AM	1		Yes	8:57 AM	1
21		8:19 AM	1				
22		8:19 AM	2				
23		8:20 AM	1				
24		8:20 AM	1				
25		8:20 AM	1				
26		8:22 AM	1				
27		8:24 AM	1				
28		8:24 AM	1				
29		8:24 AM	1				
30		8:25 AM	2				
31		8:25 AM	1				
32		8:28 AM	1				
33		8:28 AM	1				
34		8:28 AM	2				
35		8:29 AM	1				
36		8:37 AM	1				
37		8:37 AM	1				
38		8:38 AM	1				
39		8:38 AM	2				
40		8:41 AM	2				
41		8:41 AM	1				
42	Yes	8:42 AM	2				
43		8:43 AM	1				
44		8:44 AM	1				
45		8:44 AM	2				
46		8:47 AM	1				
47		8:51 AM	1				
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3:00PM - 4:00PM

#	NEIGHB	TIME	# IN CAR		NEIGHB	TIME	# IN CAR
	Southbound to LODI AVE.				Northbound from LODI AVE.		
1		3:02 PM	1			3:09 PM	1
2		3:02 PM	1			3:13 PM	1
3	Yes	3:06 PM	1			3:15 PM	1
4		3:07 PM	1		Yes	3:17 PM	2
5		3:08 PM	3		Yes	3:19 PM	1
6	Yes	3:08 PM	1		Yes	3:21 PM	2
7	Yes	3:12 PM	1			3:21 PM	1
8		3:12 PM	1			3:24 PM	1
9		3:12 PM	1		Yes	3:25 PM	1
10		3:13 PM	1		Yes	3:29 PM	1
11		3:15 PM	2		Yes	3:38 PM	2
12	Yes	3:16 PM	1			3:38 PM	1
13		3:17 PM	1			3:40 PM	2
14	Yes	3:19 PM	2		Yes	3:42 PM	1
15		3:19 PM	1		Yes	3:43 PM	1
16		3:20 PM	2		Yes	3:45 PM	1
17		3:20 PM	2			3:47 PM	2
18		3:20 PM	2			3:49 PM	1
19	Yes	3:22 PM	1			3:52 PM	1
20		3:22 PM	1			3:56 PM	1
21		3:23 PM	1			3:58 PM	1
22		3:23 PM	2				
23		3:24 PM	2				
24		3:24 PM	2				
25		3:26 PM	2				
26	Yes	3:27 PM	4				
27		3:27 PM	3				
28		3:27 PM	1				
29		3:30 PM	2				
30		3:32 PM	1				
31		3:33 PM	2				
32	Yes	3:35 PM	1				
33		3:37 PM	3				
34		3:38 PM	1				
35		3:40 PM	1				
36		3:41 PM	2				
37		3:45 PM	2				
38		3:45 PM	1				
39		3:46 PM	1				
40		3:48 PM	1				
41		3:48 PM	1				
42		3:49 PM	2				
43	Yes	3:52 PM	1				
44	Yes	3:56 PM	1				
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February 16th, 2006

8:00AM - 9:00AM

Southbound to LODI AVE.				Northbound from LODI AVE.		
#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR
1	Yes	8:01 AM	1		8:00 AM	1
2		8:03 AM	1	Yes	8:04 AM	2
3	Yes	8:03 AM	1	Yes	8:05 AM	1
4		8:04 AM	1		8:08 AM	1
5		8:05 AM	3		8:08 AM	1
6		8:06 AM	2	Yes	8:09 AM	1
7		8:06 AM	1	Yes	8:09 AM	2
8		8:07 AM	1	Yes	8:10 AM	1
9		8:08 AM	1		8:10 AM	1
10		8:08 AM	1		8:13 AM	1
11		8:10 AM	1		8:17 AM	1
12		8:10 AM	1		8:20 AM	2
13		8:11 AM	1	Yes	8:23 AM	1
14		8:12 AM	1	Yes	8:27 AM	1
15		8:12 AM	1		8:28 AM	1
16		8:13 AM	1	Yes	8:41 AM	1
17		8:13 AM	2	Yes	8:42 AM	2
18		8:14 AM	1		8:42 AM	1
19		8:14 AM	1	Yes	8:43 AM	1
20	Yes	8:14 AM	1	Yes	8:49 AM	1
21		8:15 AM	1		8:51 AM	1
22		8:16 AM	1	Yes	8:52 AM	1
23		8:16 AM	1		8:55 AM	1
24		8:17 AM	2			
25		8:18 AM	1			
26	Yes	8:18 AM	2			
27		8:18 AM	1			
28		8:19 AM	1			
29		8:19 AM	1			
30		8:19 AM	1			
31	Yes	8:20 AM	1			
32		8:22 AM	1			
33		8:24 AM	1			
34		8:24 AM	1			
35		8:26 AM	1			
36		8:26 AM	1			
37		8:27 AM	1			
38		8:28 AM	1			
39		8:28 AM	2			
40	Yes	8:31 AM	1			
41	Yes	8:31 AM	1			
42		8:32 AM	2			
43		8:32 AM	2			
44		8:35 AM	1			
45	Yes	8:35 AM	1			
46		8:36 AM	1			
47	Yes	8:38 AM	1			
48		8:39 AM	1			
49		8:46 AM	2			
50		8:46 AM	1			
51	Yes	8:47 AM	1			
52		8:49 AM	1			
53	Yes	8:49 AM	1			
54		8:50 AM	1			
55		8:51 AM	1			
56		8:52 AM	1			
57		8:53 AM	1			
58		8:54 AM	1			
59		8:59 AM	1			
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3:00PM - 4:00PM

Southbound to LODI AVE.				Northbound from LODI AVE.		
#	NEIGHB	TIME	# IN CAR	NEIGHB	TIME	# IN CAR
1	Yes	3:07 PM	2		3:02 PM	1
2		3:13 PM	1		3:03 PM	1
3		3:17 PM	2		3:06 PM	1
4		3:17 PM	2		3:06 PM	1
5		3:19 PM	1		3:08 PM	2
6		3:20 PM	2		3:10 PM	2
7		3:21 PM	3		3:11 PM	1
8		3:22 PM	1		3:14 PM	1
9		3:22 PM	2		3:15 PM	1
10		3:25 PM	2	Yes	3:15 PM	1
11		3:26 PM	2	Yes	3:17 PM	1
12		3:27 PM	1		3:19 PM	1
13		3:28 PM	2		3:20 PM	1
14		3:29 PM	2		3:20 PM	1
15		3:30 PM	2		3:21 PM	1
16		3:34 PM	1		3:22 PM	1
17		3:34 PM	2		3:24 PM	1
18		3:35 PM	2	Yes	3:24 PM	1
19		3:38 PM	1		3:24 PM	1
20	Yes	3:38 PM	1		3:25 PM	1
21		3:39 PM	1		3:26 PM	2
22		3:43 PM	2		3:31 PM	1
23		3:45 PM	2	Yes	3:42 PM	1
24		3:46 PM	1		3:45 PM	1
25		3:48 PM	2	Yes	3:48 PM	1
26		3:49 PM	1		3:54 PM	1
27		3:51 PM	2	Yes	3:54 PM	2
28		3:57 PM	1	Yes	3:56 PM	1
29		3:58 PM	1			
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RECEIVED

FEB 22 2006

COMMUNITY DEVELOPMENT DEPT.
CITY OF LODI

February 22, 2006

To: Lodi Planning Commission

We are opposed to the Use Permit allowing Vineyard Christian Middle School to locate at 2301 W. Lodi Avenue (corner of Lodi Avenue and Allen Drive).

We are submitting petitions signed by the residents of the surrounding neighborhood opposing the proposed school due to an increase in traffic and noise. We feel that the proposed site is not large enough to accommodate a middle school.

Thank you for your consideration in this matter.

Sincerely,

The Residents of:
W. Jackson Street
W. Walnut Street
Capell Street
Benson Drive
W. Pine Street
Allen Drive

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Janice Pinkham
SIGNATURE: Janice Pinkham
DATE: 2-14-06
ADDRESS: 2140 Capell Dr.
Lodi, Ca 95242

members of Lodi Ave Baptist Church

NAME: Elbert Pinkham
SIGNATURE: Elbert Pinkham
DATE: 2-14-06
ADDRESS: 2140 Capell Dr
Lodi Ca. 95242

NAME: Michele Borges
SIGNATURE: [illegible]
DATE: 2/15/06
ADDRESS: 2124 Jackson ST
Lodi CA 95242

NAME: Mark Borges
SIGNATURE: Mark Borges
DATE: 2-15-06
ADDRESS: 2124 Jackson ST.
Lodi, CA 95242

NAME: Daniel Ross
SIGNATURE: Daniel Ross
DATE: 2-15-06
ADDRESS: 2201 Jackson St.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: VERNON BAUER
SIGNATURE: Vernon Bauer
DATE: 2-11-06
ADDRESS: 2140 W. Walnut

NAME: Karen Goss
SIGNATURE: Karen Goss
DATE: 2/11/06
ADDRESS: 2224 W Walnut St

NAME: Edna L. Martin
SIGNATURE: 2225 W. Walnut
DATE: 2-11-06
ADDRESS: 2225 W. Walnut
EDNA L. MARTIN

NAME: Carlton Martin
SIGNATURE: Carlton Martin
DATE: 2-11-06
ADDRESS: 2225 W Walnut St
Lodi, CA 95242

NAME: LINDA W. REICHERT
SIGNATURE: Linda W. Reichert
DATE: 2-11-2006
ADDRESS: 2219 W. Walnut St
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: W. JOHN SCHMIDT
SIGNATURE: W John Schmidt
DATE: 2/9/06
ADDRESS: 2216 W. WALNUT ST
LODI CA. 95242

NAME: Sandra M. Schmidt
SIGNATURE: Sandra M. Schmidt
DATE: 2/9/06
ADDRESS: 2216 W. Walnut St.
Lodi, CA 95242

NAME: Elizabeth A Weatherman
SIGNATURE: Elizabeth A Weatherman
DATE: 2-10-06
ADDRESS: 2216 Jackson St
Lodi, Ca 95242

NAME: Julian G. Weatherman
SIGNATURE: Julian G. Weatherman
DATE: 2-10-06
ADDRESS: 2216 Jackson St
Lodi, Ca 95242

NAME: Nicy Nunez
SIGNATURE: [illegible]
DATE: 02/10/06
ADDRESS: 2209 JACKSON ST
LODI CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Bob Healy
SIGNATURE: [illegible]
DATE: 2-10-06
ADDRESS: 2170 Jackson
Lodi, CA 95242

NAME: Paula Peterson
SIGNATURE: Paula Peterson
DATE: 2/10/06
ADDRESS: 2224 Jackson St
Lodi, CA 95242

NAME: Robert Peterson
SIGNATURE: Robert Peterson
DATE: 2-10-06
ADDRESS: 2224 JACKSON St
LODI, CA 95242

NAME: Dana Ashbaugh
SIGNATURE: Dana Ashbaugh
DATE: 2-11-06
ADDRESS: 2225 JACKSON St.
Lodi, CA 95242

NAME: Allison Reichert
SIGNATURE: Allison Reichert
DATE: 2/11/06
ADDRESS: 2219 W. Walnut St.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Collette Corell
SIGNATURE: Collette Corell
DATE: 2/11/06
ADDRESS: 2215 W. Walnut
Lodi CA 95242

NAME: PATRICIA F PAULE
SIGNATURE: Patricia F Paule
DATE: 2-11-06
ADDRESS: 2101 W. Walnut St
Lodi Ca 95242

NAME: LOREN G PAULE
SIGNATURE: Loren G Paule
DATE: 2-11-06
ADDRESS: 2101 W. WALNUT ST.
LODI CA 95242

NAME: Joe McGrath
SIGNATURE: Joe McGrath
DATE: 02/11/06
ADDRESS: 2119 W. Walnut St
Lodi CA 95242

NAME: Barbara Hicks
SIGNATURE: Barbara Hicks
DATE: 2-11-06
ADDRESS: 2132 W. Walnut
Lodi, Ca. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Emil Koepplin
SIGNATURE: ~~Anna~~ Emil Koepplin
DATE: 2-10-06
ADDRESS: 2219 Jackson St
Lodi Ca 95242

NAME: ANNA KOEPPLIN
SIGNATURE: Anna Koepplin
DATE: 2-10-06
ADDRESS: 2219 Jackson St
Lodi, Ca 95242

NAME: Sara Peterson
SIGNATURE: S Peterson
DATE: 2/10/06
ADDRESS: 2215 Jackson St.
Lodi, CA 95242

NAME: Erik Peterson
SIGNATURE: Erik J Peterson
DATE: 2/10/06
ADDRESS: 2215 Jackson St.
Lodi, CA 95242

NAME: Jackie Healy
SIGNATURE: Jackie Healy
DATE: 2/10/06
ADDRESS: 2140 Jackson St.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: James Reimer
SIGNATURE: James Reimer
DATE: 2/11/06
ADDRESS: 2219 W. Walnut St
Lodi, CA

NAME: Jo White
SIGNATURE: Jo White
DATE: 2-11-06
ADDRESS: 2141 Jackson
LODI CA 95242

NAME: Brenda Wright
SIGNATURE: Brenda Wright
DATE: 2-11-06
ADDRESS: 2125 Jackson St.
Lodi, Ca. 95242

NAME: DAVID WRIGHT
SIGNATURE: David Wright
DATE: 2-11-06
ADDRESS: 2125 JACKSON ST.
LODI CA 95242

NAME: CHARLES AHR
SIGNATURE: Charles Ahr
DATE: 2-11-06
ADDRESS: 241 BENSON

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Anne Morken
SIGNATURE: Anne Morken
DATE: 2/19/06
ADDRESS: 2224 Capell Drive
Lodi, CA 95242

NAME: IREACY M. DORTH
SIGNATURE: Ireacy M. Dorth
DATE: 02/19/06
ADDRESS: 2225 CAPELL DR.
LODI, CA 95242

NAME: DANIEL P. DORTH
SIGNATURE: Daniel P. Dorth
DATE: 2/19/06
ADDRESS: 2225 CAPELL DR.
LODI, CA 95242

NAME: Robin Daniels
SIGNATURE: Robin Daniels
DATE: 2/20/06
ADDRESS: 2124 West Walnut Street
Lodi, CA 95242

NAME: CRAIG DANIELS
SIGNATURE: [illegible]
DATE: 2/20/05
ADDRESS: 2124 WEST WALNUT
LODI CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Roseanna Ahr
SIGNATURE: Roseanna Ahr
DATE: 2-11-06
ADDRESS: 241 Benson DR
Lodi, CA 95242

NAME: Shelly Schatz
SIGNATURE: Shelly Schatz
DATE: 2-11-06
ADDRESS: 2132 W. Jackson St.
Lodi CA 95242

NAME: Glen Schatz
SIGNATURE: Glen Schatz
DATE: 2-11-06
ADDRESS: 2132 W. Jackson
Lodi, CA 95242

NAME: Chris Johnson
SIGNATURE: Chris Johnson
DATE: 2-11-06
ADDRESS: 2200 JACKSON St.
Lodi CA 95242

NAME: DAVE JOHNSON
SIGNATURE: Dave Johnson
DATE: 2-11-06
ADDRESS: 2200 Jackson ST.
LODI, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Angela Garem
SIGNATURE: Angela Garem
DATE: Feb 11, 2006
ADDRESS: 131 Benson Dr. Lodi CA 95242

NAME: Mike Garem
SIGNATURE: Mike Garem
DATE: 2-11-06
ADDRESS: 131 BENSON Dr Lodi CA 95242

NAME: Paul Fournier
SIGNATURE: Paul Fournier
DATE: 2-11-06
ADDRESS: 2225 JACKSON
LODI CA 95242

NAME: Michelle McGrath Surgert
SIGNATURE: Michelle McGrath Surgert
DATE: 2-11-06
ADDRESS: 2114 W Walnut St
Lodi CA 95242

NAME: Sandy Alberta
SIGNATURE: Sandy Alberta
DATE: 2/11/06
ADDRESS: 2133 W. Walnut St
Lodi Ca. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: DEREK ALBERTSON
SIGNATURE: Derek Albertson
DATE: 2-11-06
ADDRESS: 2133 W. WALNUT LODI 95242

NAME: Ruth Smida
SIGNATURE: 2125 W. WALNUT
DATE: Lodi, CA 95242
ADDRESS: 2/14/06
Ruth A. Smida

NAME: JOHN A JUST
SIGNATURE: John A. Just
DATE: 2-14-06
ADDRESS: 2124 Capell Dr.
Lodi

NAME: Kerry Cunningham
SIGNATURE: Kerry Cunningham
DATE: 2-14-06
ADDRESS: 2125 Capell Drive
Lodi

NAME: ALMA MASIC
SIGNATURE: Alma Masic
DATE: 2.14.06
ADDRESS: 2133 W. CAPELL DR
LODI, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Dolores L. HANSON
SIGNATURE: Dolores L. Hanson
DATE: 11 Feb 2006
ADDRESS: 2208 JACKSON ST
LODI, CA 95242

NAME: KALIE BOSS
SIGNATURE:
DATE: 2-15-06
ADDRESS: 2201 Jackson St.
Lodi CA 95242

NAME: Mary Nell Colbert
SIGNATURE: 2133 Jackson Street - Lodi
DATE: February 15, 2006
ADDRESS:
Mary Colbert

NAME: Donald R Colbert
SIGNATURE: Don R Colbert
DATE: 2/15/06
ADDRESS: 2133 JACKSON ST.
Lodi - CA 95242

NAME: Shirley MacLaughlin
SIGNATURE: Shirley MacLaughlin
DATE: 2-19-06
ADDRESS: 2115 Jackson Street
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: CRIS CLARKE
SIGNATURE: Cris J. Clarke
DATE: 2/19/06
ADDRESS: 2101 JACKSON ST.
LODI, CA 95242

NAME: LINDA ENGRAV-CLARKE
SIGNATURE: Linda Engrav Clarke
DATE: 2/19/06
ADDRESS: 2101 JACKSON ST.
LODI, CA 95242

NAME: YOSHIKO D. TAKAO
SIGNATURE: Yoshiko D. Takao
DATE: 2/19/06
ADDRESS: 215 W. Walnut St.
Lodi, CA 95242

NAME: NICHOLAS A. BETTENCOURT
SIGNATURE: Nicholas A. Bettencourt
DATE: 2114 Jackson St. 2/19/2006
ADDRESS: LODI, CA 95242

NAME: Karen Bettencourt
SIGNATURE: Karen Bettencourt
DATE: 2/19/06
ADDRESS: 2114 JACKSON ST
LODI, CA. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Sharon Dais
SIGNATURE: Sharon Dais
DATE: 2/19/06
ADDRESS: 2200 Capell Dr.
Lodi CA 95242

NAME: Pamela J. Matlock
SIGNATURE: Pamela J. Matlock
DATE: 2/20/05
ADDRESS: 2215 W. Capell Dr.
Lodi, CA 95242

NAME: Tracy Garcia
SIGNATURE: 106 Allen Dr. Tracy Garcia
DATE: 2-20-06
ADDRESS: 106 Allen Dr.
Lodi, Ca. 95242

NAME: Arnold Garcia
SIGNATURE: [illegible]
DATE: 2-20-06
ADDRESS: 106 Allen Dr
Lodi, Ca. 95242

NAME: Dawn Hammons
SIGNATURE: Dawn Hammons
DATE: 2-20-06
ADDRESS: 100 S. Allen Dr.
Lodi, CA. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Bryan Rogers
SIGNATURE: [illegible]
DATE: 2/13/06
ADDRESS: 115 Benson Dr.
Lodi, CA 95242

NAME: Tina Rogers
SIGNATURE: Tina M Rogers
DATE: 2/13/06
ADDRESS: 115 Benson Dr.
Lodi, CA 95242

NAME: NANCY WEIBLE
SIGNATURE: Nancy Weible
DATE: 2-14-06
ADDRESS: 2200 W. Walnut St.
Lodi, Calif 95242

NAME: JAMES BUSHNELL
SIGNATURE: [illegible]
DATE: 2/14/06
ADDRESS: 2201 W WALNUT

NAME: LUVERNE SMIDA
SIGNATURE: 2125 W WALNUT
DATE: LODI CA.
ADDRESS: 2/14/06
[illegible]

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: DOUGLAS HAUSER
SIGNATURE: Douglas Hauser
DATE: 2-20-06
ADDRESS: 14 BENSON DR.

NAME: Charlene Bess
SIGNATURE: Charlene Bess
DATE: 2-20-06
ADDRESS: 106 Benson Dr.

NAME: LISA Iliff
SIGNATURE: Lisa Iliff
DATE: 2/20/06
ADDRESS: 114 Benson Drive

NAME: Don Bettencourt
SIGNATURE: Don Bettencourt
DATE: 2/20/06
ADDRESS: 2701 Capell ST.
Lodi, CA. 95242

NAME: Ray Davis
SIGNATURE: Ray Davis
DATE: 2/20/06
ADDRESS: 136 Benson Drive
Lodi, Ca. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Janet DAVIS
SIGNATURE: Janet Davis
DATE: 2/20/06
ADDRESS: 136 Benson Dr.
Lodi CA 95242

NAME: Robert Martinez
SIGNATURE: Robert Martinez
DATE: 2-21-06
ADDRESS: 140 BENSON DR
Lodi CA 95242

NAME: John Stellatino
SIGNATURE:
DATE: 2-24-006
ADDRESS: 130 Benson

NAME: JOSEPH OLIPHANT & Mrs
SIGNATURE: Joseph Oliphant
DATE: 2-21-06
ADDRESS: 200 Benson Drive
Lodi

NAME: WAYNE & DENISE LOCKMILLER
SIGNATURE: Denise L Lockmiller
DATE: 2/21/06
ADDRESS: 2106 W. PINE ST LODI, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Carla Hilton
SIGNATURE: [illegible]
DATE: 2-20-06
ADDRESS: 2316 Capell Drive
Lodi Ca 95242

NAME: [illegible]
SIGNATURE:
DATE: 2-21-06
ADDRESS: 107 Benson Dr
Lodi, Ca. 95242

NAME: Harold Williams
SIGNATURE:
DATE: 2-21-06
ADDRESS: 107 BENSON DR

NAME: Gilbert [redacted] Woell
SIGNATURE: Velda Woell
DATE: 2/21/06
ADDRESS: 15 Benson Dr
Lodi, Calif

NAME: DAN CASTELANELLI
SIGNATURE: Dan Castelanelli
DATE: 2/21/06
ADDRESS: 101 BENSON DR.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Kevin Burns
SIGNATURE: Kevin Burns
DATE: 2-20-06
ADDRESS: 2144 W. Pine St.
Lodi Ca. 95242

NAME: BRIDGET J YONO
SIGNATURE: Bridget M. Yono
DATE: 2-20-06
ADDRESS: 2145 W. PINE ST
LODI. CA. 95242.

NAME: BOB S. YONO
SIGNATURE:
DATE: 2.20.06
ADDRESS: 2145 W. PINE ST
LODI. CA. 95242

NAME: MR. & MRS. GABRIEL
SIGNATURE:
DATE: 2-20-06
ADDRESS: 2126 W. PINE ST.
LODI, CA 95242

NAME: Pat McDonald
SIGNATURE: Pat McDonald
DATE: 2-20-06
ADDRESS: 2129 W. Pine St.
Lodi, CA 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Edward Ojeda
SIGNATURE: Edward Ojeda
DATE: FEB. 20, 2006
ADDRESS: 2120 W. PINE ST.
LODI, CA 95242

NAME: Katie Riedinger
SIGNATURE: Katie Riedinger
DATE: 2-20-06
ADDRESS: 2114 W. Pine st
LODI, CA 95242

NAME: Tim Robbins
SIGNATURE: Tim Robbins
DATE: 2-20-06
ADDRESS: 2115 W Pine LODI CA. 95242

NAME: Cathy Barnes
SIGNATURE: Cathy Barnes
DATE: 2-20-06
ADDRESS: 2039 W. Pine St
Lodi, Ca 95242

NAME: Theodore Eachus
SIGNATURE: Theodore Eachus
DATE: 2/20/06
ADDRESS: 2033 W. Pine St.
Lodi, CA. 95242

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Thomas J Orozco
SIGNATURE: [illegible]
DATE: 2-20-06
ADDRESS: 2114 Capell DR 95242

NAME: Thomas OROZCO
SIGNATURE: [illegible]
DATE: 2-20-06
ADDRESS: 2114 Capell DR 95242

NAME: Brenda Orozco
SIGNATURE: Brenda Orozco
DATE: 02-20-06
ADDRESS: 2114 Capell Dr.
Lodi, CA. 95242

NAME:
SIGNATURE:
DATE:
ADDRESS:

NAME:
SIGNATURE:
DATE:
ADDRESS:

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Darlene K. Castelanelli
SIGNATURE: Darlene K. Castelanelli
DATE: 2-21-06
ADDRESS: 101 Benson drive
Lodi, CA 95242

NAME: Robbie Brandi
SIGNATURE: Robbie Brandi
DATE: 2321 W Pine
ADDRESS: Lodi Ca

NAME: Linda Bianchi
SIGNATURE: Linda Bianchi
DATE: 2-21-06
ADDRESS: 2121 W. Pine St.
Lodi CA. 95242

NAME:
SIGNATURE:
DATE:
ADDRESS:

NAME:
SIGNATURE:
DATE:
ADDRESS:

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: Sharon Hasenfus
SIGNATURE: Sharon Hasenfus
DATE: 2/20/06
ADDRESS: 2208 Capell Dr.
Lodi CA 95242

NAME: Charles Hasenfus
SIGNATURE: Charles Hasenfus
DATE: 2/20/06
ADDRESS: 2208 Capell Dr
Lodi, Calif. 95242

NAME:
SIGNATURE:
DATE:
ADDRESS:

NAME:
SIGNATURE:
DATE:
ADDRESS:

NAME:
SIGNATURE:
DATE:
ADDRESS:

TO: LODI CITY PLANNING COMMISSION

THIS PETITION **OPPOSES** THE REQUESTED USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE A PRIVATE 6TH - 8TH GRADE SCHOOL ON THE PROPERTY AT 2301 W. LODI AVENUE. (FILE #: U-05-020, APPLICATE: LODI AVENUE BAPTIST CHURCH).

I **OPPOSE** THE ABOVE MENTIONED USE PERMIT.

NAME: [illegible]
SIGNATURE: [illegible]
DATE: 2/20/06
ADDRESS: 2207 Capwell
Lodi CA

NAME: Wayne Lockmiller Wayne Lockmiller
SIGNATURE: Wayne Lockmiller
DATE: Feb 21, 2006
ADDRESS: 2106 W Pine St
Lodi Ca 95242

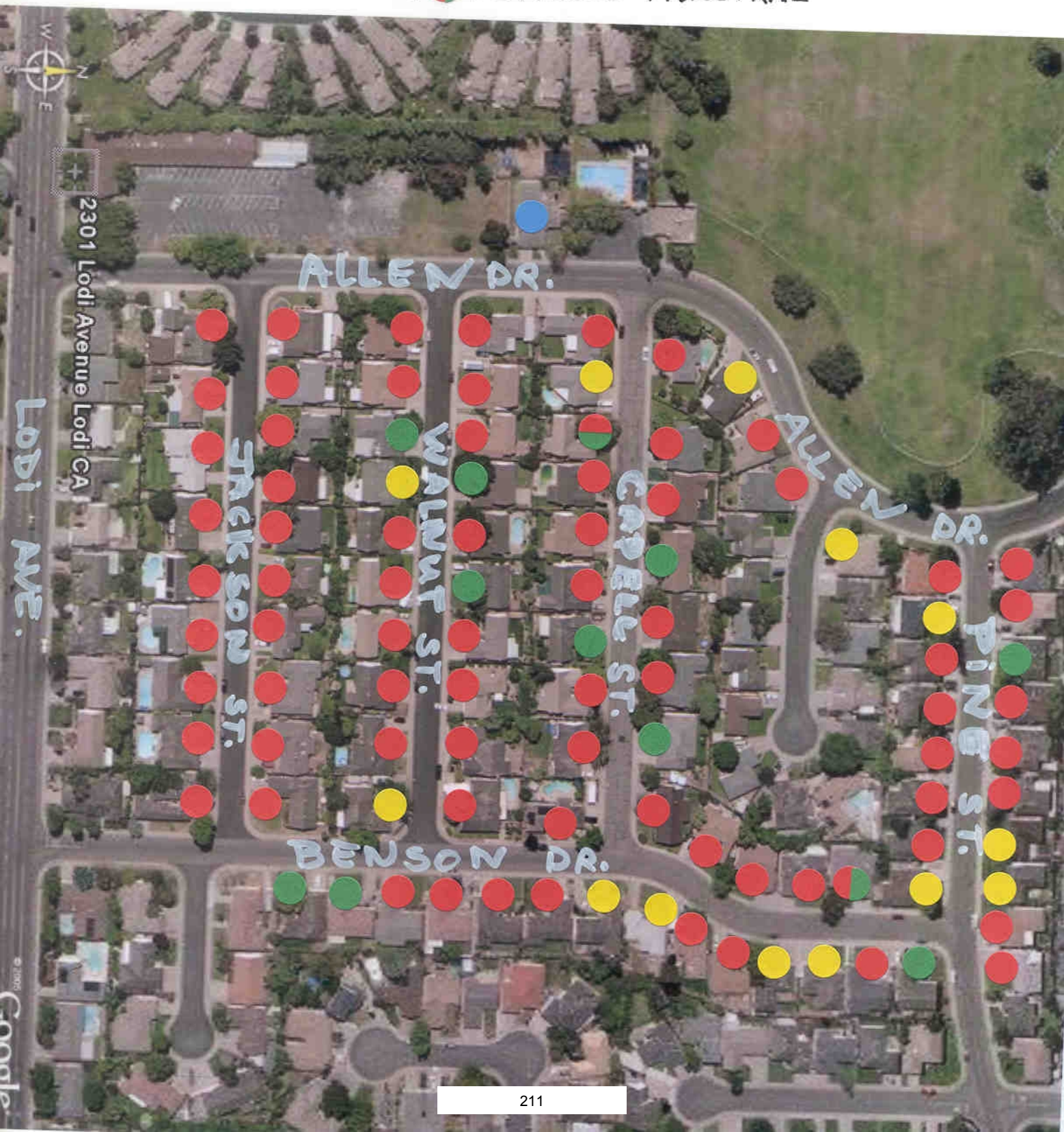
NAME:
SIGNATURE:
DATE:
ADDRESS:

NAME:
SIGNATURE:
DATE:
ADDRESS:

NAME:
SIGNATURE:
DATE:
ADDRESS:

72 OPPOSED
13 UNABLE TO CONTACT
10 NEUTRAL
2 1 OPPOSED - 1 NEUTRAL

1 APPROVES



February 26, 2006

✓ CC ___HR
X CM ___IS
X CA ___LIB
X CD ___PR
___EUD ___PD
___FIN ___PW
___FD ___COM

CITY CLERK'S NOTE:
Appeal fee has not yet been received.
Deadline to file is March 8, 2006.

Council Member John Beckman
Lodi City Council
C/O City Clerks Office
P.O. Box 3006
Lodi, 95241-1941

RE: Use Permit for Vineyard Christian Middle School

Dear Council Member John Beckman,

The Planning Commission voted 4-3 to allow a Use Permit for Vineyard Christian Middle School to relocate their 5 portable buildings to the parking lot of Lodi Avenue Baptist Church located at 2301 W. Lodi Avenue (corner of Lodi Avenue and Allen Drive).

Clearly, two of the planning commissioners had their minds made up at the first of the two hearings. Commissioner Bill Cummins said he was a Minister and Commissioner Doug Kuehne has children that attend St. Peter's School and is totally pro-private school. They both should have excused themselves from voting because they are bias. Neither of them was interested in the neighborhood's concerns or opinions.

At the second hearing, a petition was presented to the commission. Over 100 signatures were collected from the residents of Benson Tract opposing the Use Permit. It was irresponsible to ignore the fact that the majority of the neighborhood – people who live and own property in the area – opposes the school. We don't have a say in what happens to our neighborhood?

Vineyard Christian Middle School is a 6th, 7th & 8th grade school with 84 students. It is not a neighborhood school. Only one student lives in our neighborhood and it happens to be Lodi Avenue Baptist Church's minister's child. All the others will be driven to and from school.

We currently live in a fairly quiet neighborhood. We want to keep it that way. We do not want the added traffic and noise. We all ready have that with St. Peter's School. We are also concerned about our property values.

We know of another location that is more appropriate for their school site and it was brought to their attention.

We are appealing the planning commission's decision to grant the Use Permit. We urge you to oppose the Use Permit. Thank you for your consideration in this matter.

Sincerely,

Paul Taormina & Dana Ashbaugh
2225 Jackson Street
Lodi, CA 95242
(209) 333-1800

March 5, 2006

Council Member
Lodi City Council
C/O City Clerks Office
P.O. Box 3006
Lodi, 95241-1941

X CC
X CM
X CA
X CD
__ EUD
__ FIN
__ FD
__ HR
__ IS
__ LIB
__ PR
__ PD
__ PW
__ COM

RE: Use Permit for Vineyard Christian Middle School

Dear Council Member

The Planning Commission voted 4-3 to allow a Use Permit for Vineyard Christian Middle School to relocate their 5 portable buildings to the parking lot of Lodi Avenue Baptist Church located at 2301 W. Lodi Avenue (corner of Lodi Avenue and Allen Drive).

Clearly, two of the planning commissioners had their minds made up at the first of the two hearings. Commissioner Bill Cummins said he was a Minister and Commissioner Doug Kuehne has children that attend St. Peter's School and is totally pro-private school. They both should have excused themselves from voting because they are bias. Neither of them was interested in the neighborhood's concerns or opinions.

At the second hearing, a petition was presented to the commission. Over 100 signatures were collected from the residents of Benson Tract opposing the Use Permit. It was irresponsible to ignore the fact that the majority of the neighborhood – people who live and own property in the area – opposes the school. We don't have a say in what happens to our neighborhood?

Vineyard Christian Middle School is a 6th, 7th & 8th grade school with 84 students. It is not a neighborhood school. Only one student lives in our neighborhood and it happens to be Lodi Avenue Baptist Church's minister's child. All the others will be driven to and from school.

We currently live in a fairly quiet neighborhood. We want to keep it that way. We do not want the added traffic and noise. We all ready have that with St. Peter's School. We are also concerned about our property values.

We know of another location that is more appropriate for their school site and it was brought to their attention.

We are appealing the planning commission's decision to grant the Use Permit. We urge you to oppose the Use Permit. Thank you for your consideration in this matter.

Sincerely,

Emil Kaepplin
Anna Kaepplin
2219 Jackson St
Lodi, Ca 95242

Lodi City Council: Mar. 29, 2006

We are traveling and wont be able to attend the appeal meeting on april 19, 2006. We do want to again state our feelings of no school in our neighborhood on allen Dr. We are a very small neighborhood and not many thru streets. We do not need any extra traffic - cars or pedestrians on these streets. There will be congestion at the stop sign at Lodi Ave. There will be noise and any kind of portables do not improve the looks of any property. There is also a person that has been registered as a sex offender living within one block.

We really like our neighborhood and hope you can see the way to leave it that way.

Respectfully,
Patricia Paule
Loren Paule

2101 W. Walnut
Lodi, Ca. 95242

RECEIVED
APR - 3 2006
City Clerk
City of Lodi

You stand out in any crowd!

CITY CLERK'S NOTE:
This communication pertains to the appeal of the Planning Commission's decision on 02-22-06 to approve a Use Permit (U-05-020) for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The public hearing before the City Council has been scheduled for April 19, 2006.
CC: City Council, City Manager, City Attorney, and Community Development Director

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CC: City Council, City Manager, City Attorney, and Community Development Director

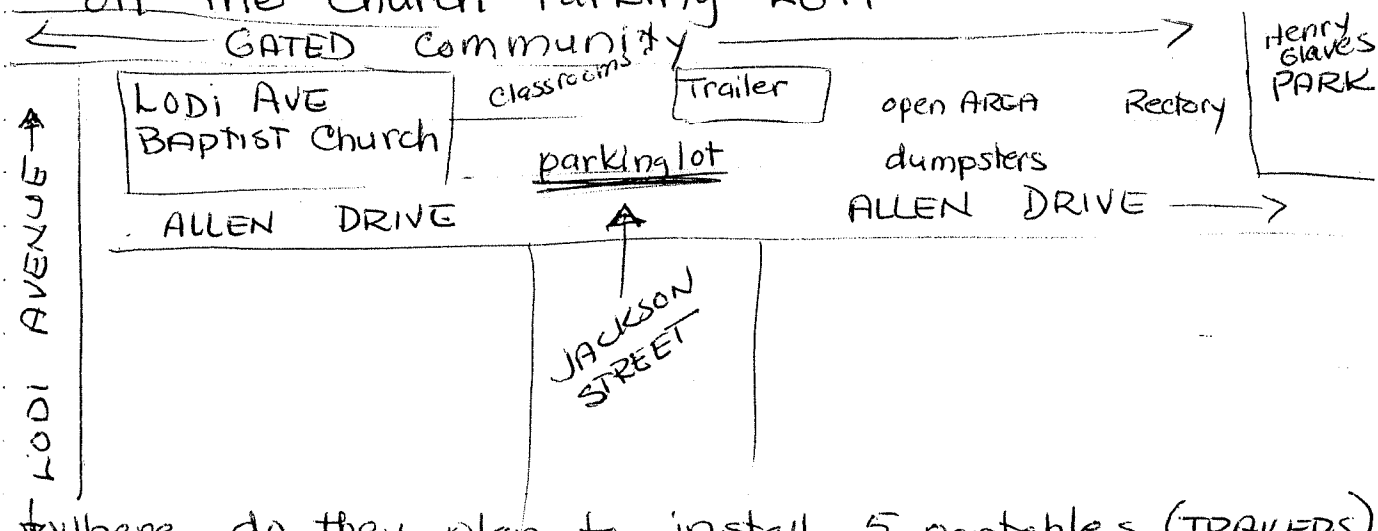
RECEIVED
MAR 29 2006
City Clerk
City of Lodi

2208 Jackson Street
Lodi, California 95242
home phone (209) 369-4138

March 24, 2006

To whom it may concern:

I too am a homeowner on Jackson Street — Just 3 houses east of the church parking lot of the LODI AVENUE Baptist Church. Our short street ends at ALLEN DRIVE and if you were to cross the street you would be on the Church Parking Lot.



Where do they plan to install 5 portables (TRAILERS) on this small site!!! Where will the children have a playground for P.E.?

I would like to request members of the City Council and members of the PLANNING COMMISSION to please go inspect the Church site and visualize how they plan to put 5 portables on that available Church space.

If the members of the LODI AVENUE Baptist Church are s[illegible]ing a school Why

don't they purchase land for a new site that would be big enough to build permanent buildings. (example - St. Peters Lutheran School has a lovely campus with permanent buildings and adequate parking for staff and visitors.)

The site at the corner of LODI AVENUE and ALLEN DRIVE does not have adequate space.

This has been a quiet, wonderful neighborhood for the 30+ years that I have lived in my home. There will be added traffic, noise and commotion. Will the portables add value to our property all along this street? Go by the schools with portables and ask yourself - "Do I want them by my home!!!"

Please listen to the citizens that live in this neighborhood and realize that we should all have the opportunity to express our views since its our area that will be affected by traffic bringing 84 (+ or -) students to the church site daily!!!

Dolores L. HANSON
LODI

RECEIVED
MAR 29 2006
City Clerk
City of Lodi

3-27-06

CITY CLERK'S NOTE:
This communication pertains to the appeal of the Planning Commission's decision on 02-22-06 to approve a Use Permit (U-05-020) for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The public hearing before the City Council has been scheduled for April 19, 2006.
CC: City Council, City Manager, City Attorney, and Community Development Director

Dear Sirs

We object to a school on Allen Dr Vineyard Middle School.

We live at 2125 W. Walnut Lodi.

Mr. & Mrs. Luverne Smida
2125 W. Walnut St.
Lodi, CA 95242

Luverne Smida
Ruth Smida
Phone # 334-0814

CITY CLERK'S NOTE:
This communication pertains to the appeal of the Planning Commission's decision on 02-22-06 to approve a Use Permit (U-05-020) for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The public hearing before the City Council has been scheduled for April 19, 2006.
CC: City Council, City Manager, City Attorney, and Community Development Director

RECEIVED
APR - 3 2006
City Clerk
City of Lodi

Lodi City Council
C/O City Clerk's Office
P.O. Box 3006
Lodi, Ca. 95241-1941

Mayor Susan Hitchcock, Members of
The Lodi City Council:

Thank you for the opportunity to express our concerns about the pending Vineyard Christian School Use Permit to be considered by the City Council on April 19, 2006.

Having lived across the street from the Lodi Avenue Baptist Church for nearly 36 years we have always considered them as extremely good neighbors, always considerate of those around them. However, their decision to allow a school to locate on this small piece of property is not a good decision, one that certainly does not conform to their past consideration of the neighborhood.

As you may have noticed from your site-visit to this rather shallow piece of property, the proposed portable buildings will be in full view of the residences across the street, certainly detracting from the nice, aesthetically pleasing residential atmosphere we've strived to maintain throughout the years. Principal Karen Hale is quoted in the March 7, 2006 edition of the Lodi News Sentinel as saying "Anyone who knows us knows we can be nothing but a blessing." I would submit that she and the parents bringing their children to our neighborhood, only to leave at the end of each day to go home to their nice neighborhoods, unobstructed by portable buildings, could easily say something like that. But, how about those of us that must contend with this 24 hours a day, knowing that our property values have been adversely affected by being located in sight of these buildings?

Secondly, and with all due respect to city's Traffic Department, Allen Drive is not a safe street in this area. In the time we've lived here we've seen two cars "driven", and wrecked, on corner lots across from the church property, and one wrecked on the area being proposed for the school, all as a result of drivers losing control while coming out of the curve just north of the proposed site. Perhaps, as we've heard, police records don't show this but we've witnessed it and have spoken to police on site at one of the accidents.

We are not opposed to Christian schools, in fact we are supportive of them, but this is not the proper location for one. We therefore urge that you, as a representative of all of us, consider the neighborhood that will be most affected by this school, and vote No on this Use Permit. Thank-you for considering our feelings.

Sincerely,

W. John Schmidt

W. John Schmidt
2216 W. Walnut St.
Lodi, Ca. 95242

Sandra M. Schmidt

Sandra M. Schmidt
2216 W. Walnut St.
Lodi, Ca. 95242

RESOLUTION NO. 2006-70

A RESOLUTION OF THE LODI CITY COUNCIL UPHOLDING THE PLANNING COMMISSION'S DECISION AND APPROVING THE REQUEST OF LODI AVENUE BAPTIST CHURCH FOR A USE PERMIT TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI AVENUE, SUBJECT TO THE CONDITIONS AS RECOMMENDED BY THE PLANNING COMMISSION

WHEREAS, notice thereof having been published according to law, an affidavit of which is on file in the office of the City Clerk, a public hearing was held April 19, 2006, by the Lodi City Council to consider the appeal of the Planning Commission decision of February 22, 2006, to approve a Use Permit for Vineyard Christian Middle School (VCMS) to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council determines that public convenience or necessity would be served by the issuance of Use Permit (U-05-20) and does hereby uphold the Planning Commission's decision and does hereby approve the request of Lodi Avenue Baptist Church for a Use Permit to allow VCMS to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue, subject to the following conditions as recommended by the Planning Commission:

A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior to any buildings being permanently located on the property.

B. All construction is done with proper Building Department and Fire Department approvals and permits.

C. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church, the City reserves the right to revisit parking needs and may require additional parking conditions.

D. The VCMS shall modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plan shown on Exhibit A. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance" and the south driveway shall be signed "School Exit," "Right Turn Only." Additional pavement directional arrows may be required and the parking stalls realigned to match the direction of traffic flow.

E The VCMS shall modify its school hours so it will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, whichever works better for the school. The time difference shall be at least 10 minutes.

F. The VCMS shall prepare "Parking Lot Instructions," which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.

G. The VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.

H. The VCMS shall upgrade the landscaping along Allen Drive to improve the appearance of the school from the street. These features will include new shrubs, trees, and any other items deemed appropriate by SPARC. The VCMS shall also construct a fence (the design to be approved by SPARC) along the east side of the school as a separator between the school grounds and Allen Drive.

I. The VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.

J. The VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.

K. The regular school hours shall be Monday through Friday approximately 8:30 a.m. to 3:10 p.m. (or modified per condition E) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.

L. The VCMS shall coordinate its schedule for activities with the Lodi Avenue Baptist Church to minimize scheduling conflicts.

M. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $57,301.04. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet, which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 84 students, 5 full-time equivalent employees, a building area of 4,000 square feet, and a building pad area of 14,000 square feet. This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit. A change in the fees is anticipated in the near future.

N. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.

O. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the cost is estimated to be approximately $2,856.00 (cost estimate available), which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

P. No variance from any City of Lodi adopted code, policy, or specification is granted or implied by the approval of this resolution.

BE IT FURTHER RESOLVED that this conditional use permit shall be subject to periodic review for compliance with these conditions by the Planning Commission.

Dated: April 19, 2006

==========

I hereby certify that Resolution No. 2006-70 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 19, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, and Johnson

NOES: COUNCIL MEMBERS – Mounce

ABSENT: COUNCIL MEMBERS – None

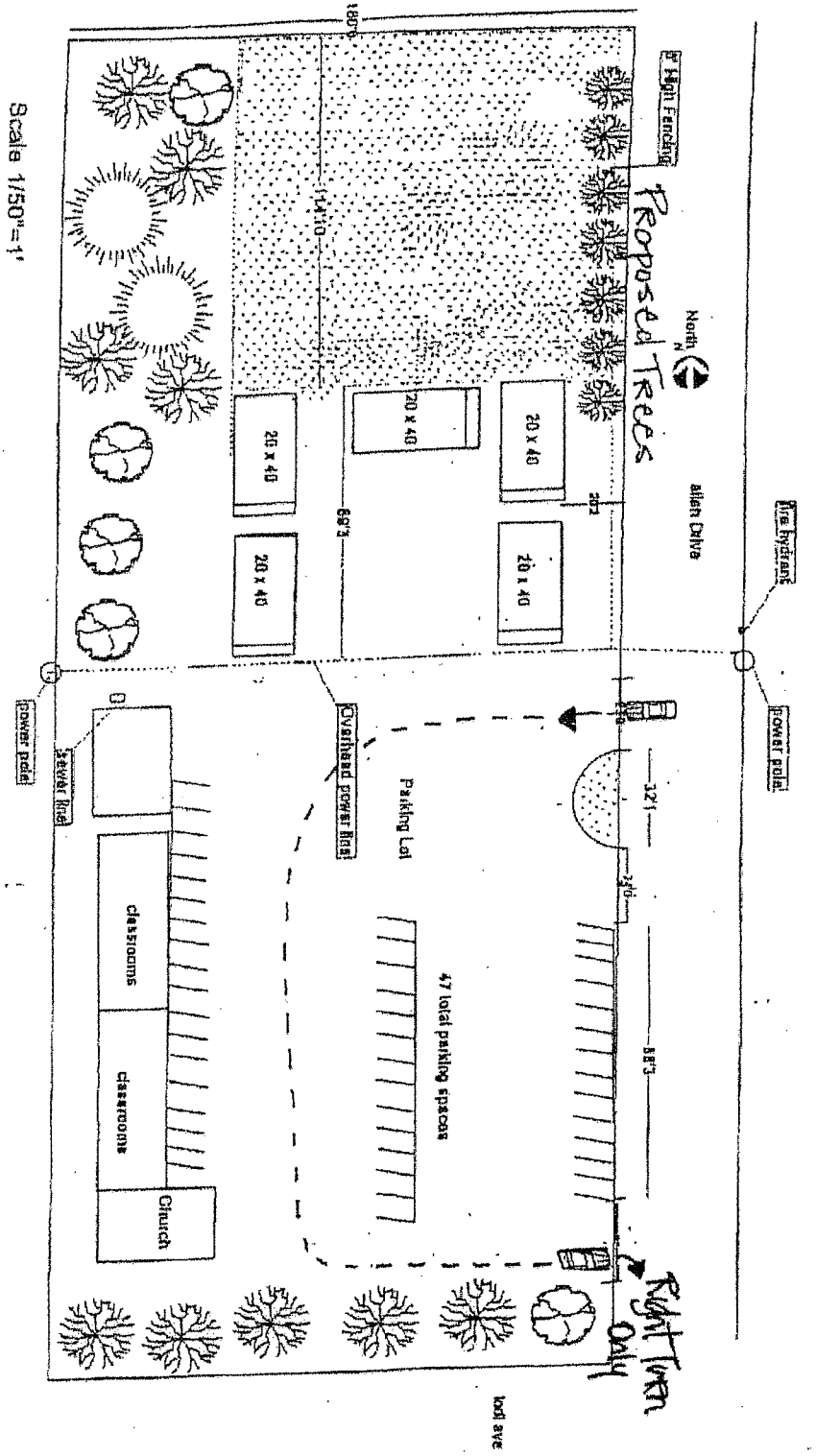
ABSTAIN: COUNCIL MEMBERS – Mayor Hitchcock

SUSAN J. BLACKSTON
City Clerk

2006-70

EXHIBIT A

City of Lodi, Community Development, Planning Division.



Scale 1/50"=1'

Exhibit A

City Council Partial Minutes (appeal only)

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Ken Owen, representing Christian Community Concerns, thanked Council for its decision to display the National motto in the Carnegie Forum lobby. He invited everyone to attend the May 4 National Day of Prayer.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

None.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- In reference to the earlier presentation regarding the Police Partners, City Manager King clarified that Lodi does not enforce laws for the purpose of generating revenue; rather, it imposes fines for the purpose of achieving compliance with the law.

I. PUBLIC HEARINGS

I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider the appeal of the Planning Commission's decision of February 22, 2006, to approve a Use Permit for Vineyard Christian Middle School to place a private 6th, 7th, and 8th grade school on the grounds of Lodi Avenue Baptist Church at 2301 West Lodi Avenue (Applicant, Lodi Avenue Baptist Church; File #U-05-20).

NOTE: Due to a potential conflict of interest related to the location of her home to the vicinity of the proposed project, Mayor Hitchcock abstained from discussion and voting on this matter and vacated her seat at the dais at 8:01 p.m.

MOTION TO LIMIT DEBATE:

The City Council, on motion of Mayor Pro Tempore Johnson, Beckman second, voted to limit the main presentations to 15 minutes and public comments to 3 minutes each. The motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, Johnson, and Mounce
Noes: Council Members – None
Absent: Council Members – None
Abstain: Council Members – Mayor Hitchcock

Peter Pirnejad, Planning Manager, explained that staff's recommendation to uphold the Planning Commission's decision is based on consistency with the City's zoning ordinance and assessment of public safety. The City's Traffic Engineer reported that from 2003 to March 2006 there has been one reported collision in the area. Daily vehicle traffic volume on Allen Drive is 5,000 vehicle trips per day. The latest traffic count on Allen Drive shows 761 vehicle trips per day, and with the addition of the Vineyard Christian Middle School, it is anticipated to increase by 130 vehicle trips per day, which still results in a level of service "A". A public hearing was held before the Planning Commission on February 8 and continued to February 22, at which a vote took place to approve the use permit based on a revised and improved circulation element. Condition D in the conditions of approval address what staff and the applicant consider to be the best traffic flow pattern. Mr. Pirnejad reviewed the 16 conditions of approval as were outlined in the Planning Commission's Resolution No. P.C. 06-05.

Hearing Opened to the Public

- Bob Peterson felt that Planning Commissioner Cummins had a conflict of interest because he is a pastor of a church and, therefore, should have abstained from voting on the matter. The Planning Commission's vote was 4 to 3, so if Commissioner Cummins

had abstained it would have been a tie vote and the Use Permit would not have been approved. Planning Commissioner Kuehne could be perceived as having a conflict of interest because after the February 8 presentation he congratulated members of the Vineyard School for their work at Woodbridge School and disclosed that his own children attend St. Peters Christian School. One of the issues that could not be mitigated was how parents would come into the neighborhood to get to the school, as they could enter by any of the side streets.

- Paula Peterson displayed a map of the neighborhood that showed those in favor of and those opposed to the Vineyard Middle School project. She collected 130 signatures on a petition of those who were opposed to placing the middle school on the grounds of Lodi Avenue Baptist Church. She felt that more people in the neighborhood should have been made aware of the project, rather than just the minimum requirement of 300 feet surrounding the school site. She cited negative impacts of traffic, noise, and appearance. Residents in the area purchased their homes because it is a quiet neighborhood. Ms. Peterson disputed the results of the traffic report, as she knew of five accidents that occurred during the past two years. She did not believe it was possible to mitigate the noise of a middle school.

  In response to the conflict of interest allegations, City Attorney Schwabauer did not believe that either rose to the level of a conflict within the meaning of the Fair Political Practices Act. Neither Planning Commissioner had a personal financial interest in the project. In regard to the matter of a tie vote, Mr. Schwabauer explained that either side could have appealed the decision, or in the case of a tie vote, a non-decision.

- Karen Hale, Principal of Vineyard Christian Middle School, reported that the school opened in 2004. Currently, it operates out of five modular buildings on the site of Woodbridge Middle School; however, its lease ends in June. It has three classrooms; one class for 6th, 7th, and 8th grades not to exceed 28 students in each class and is in session from 8:30 a.m. to 3:10 p.m. Its after school athletic enrichment program is located off site. She assured Council that all rules, regulations, conditions, and expectations set forth by the Planning Commission and the Site Plan and Architectural Review Committee (SPARC) will be adhered to.

  In answer to questions posed by Council Member Hansen, Ms. Hale estimated that 10 cars at a time, up to a total of 40, would be at the school. She did not foresee many of the parents using the side streets. Approximately ten of the students walk to school.

SPEAKERS IN FAVOR

- George Liepart stated that Lodi has a rich, healthy, and ongoing tradition of church / school relationships. It is a part of the community that has been in place for years and there have not been any challenges or problems with them. Vineyard Christian Middle School will be using newer modular buildings, which will be painted, refurbished, landscaped, etc. in accordance with SPARC direction.

  Council Member Hansen disclosed that he met prior to the meeting with Mr. Liepart to discuss the project.

  Council Member Beckman stated that he met with David and Christy Roberts in their home to discuss this matter. He also spoke previously with one of the proponents of the project who asked that the public hearing be held when all five members of the Council were present.

Council Member Mounce spoke prior to the meeting to Ms. Peterson, Ms. Oliver, Ms. Pitchford, and two members of the school, in addition to receiving numerous calls and emails about the matter.

Mayor Pro Tempore Johnson disclosed that he spoke with Paul Teramino who was opposed to the project; Ron Httle who was in favor; and Michael Hakeem, attorney representing Vineyard Christian Middle School.

- Alyssa Oliver distributed maps and photos (filed) and noted that neither of the school driveways align with the side streets. There is only one way in and one way out of the parking lot, and curb drop off or pick up is not allowed. Parents have received written instructions. There will be an adult monitor present.

- Kevin Huber, parent of a student at Vineyard School, spoke in support of the school curriculum and the proposed site. He stated that the project is a compatible use in the neighborhood and could be considered a model of how to utilize existing facilities, thus taking up less vacant land.

- Mike Hakeem, attorney representing Vineyard School, noted that there are many examples of schools in Lodi that are adjacent to residential areas, many with larger school populations, and those existing facilities have not had conflicts. There will be no offsite lunch. The traffic pattern has been reconfigured by the Planning Commission with a right-turn, right-out only. The scheduling and timing of the school has been geared not to conflict with St. Peters Lutheran School. In addition, Vineyard School has coordinated its schedule with church activities. There will be a school contact person available to the neighbors at all times to deal with issues that may surface. The school will be required to construct a five-foot fence on Allen Drive. He pointed out that the conditional use permit allows the City to bring the matter back for conditional review, revisitation of mitigation, or for revocation if necessary.

- Stacy Moffatt, parent of a Vineyard School student, commented that change is always difficult. She noted that the school has an elevated standard of excellence and asked Council to uphold the Planning Commission decision.

- Pat Patrick, parent of a Vineyard School student, stated that school leadership personnel are caring of the children and parents' concerns, respectful, professional, and focused on quality. He stated that the parking lot is large enough to handle all the cars that would be there at one time during drop off or pick up. He felt that the school creates great citizens and asked the Council to uphold the Planning Commission's decision.

- Christi Hilscher pointed out that neighborhoods sometimes change and a church brings activity to areas.

- Olivia Oliver mentioned that she attended Vineyard School last year and felt that it was an excellent opportunity that prepared her well for high school. Students at the school are held to very high standards.

- Linda Engrav-Clarke believed that the school would be a positive impact on the neighborhood. Ms. Clarke mentioned that she originally signed the petition in opposition to the school; however, after learning more about it she changed her mind. She stated that the school is acting in good faith to solicit neighborhood input regarding aesthetic qualities residents would like to see in the school. She disputed comments made about accidents in the area, as she felt if they occurred, the City's traffic engineers would have known about it.

- Tammi Enos, Secretary for the Vineyard School, asked when people quit loving the noise of children.

- Marsha Fitzgerald, parent of a student at Vineyard School, recalled that she had opposed the construction of a continuation school near her home. Neighbors picketed the school because they feared the worst. Ms. Fitzgerald reported that no problems have occurred in the year and a half that the school has been in operation. Residents' fears had been unfounded. She mentioned that students at Vineyard School learn the importance of serving the community.

RECESS

At 9:34 p.m., Mayor Pro Tempore Johnson called for a recess, and the City Council meeting reconvened at 9:41 p.m.

I. PUBLIC HEARINGS (Continued)

I-1 (Cont'd.) SPEAKERS IN OPPOSITION

- Linda Reichert noted that Vineyard School is not a public/free school, yet it is inserting itself into an already existing mature neighborhood over the opposition of 85% of the residents surrounding it. The two Planning Commissioners who voted against the matter expressed concern regarding the parking spaces. If other uses occur during the day while the school is in session there will not be adequate parking.

- Rico Bianchi stated that there are five schools within walking distance of his home and he complained of traffic congestion and speeding.

- Treacy Dorth stated that the area is already noisy and the Vineyard School will worsen it and create traffic problems.

- David Johnson expressed safety concerns and believed that traffic will increase as a result of the Vineyard School.

- Dean Walker stated that the school will consume 25 parking spaces and there will not be enough remaining for the church. The church is required to have one parking space for every four of its 300 seats. He suggested that if Council is going to uphold the Planning Commission decision that it do so on the condition that the neighborhood approve the architectural review process through SPARC.

- Delores Hansen mentioned that she sent a letter to Council about this matter. She felt that the school would not have adequate space and was opposed to portable buildings and noise impacts.

- Chris Johnson stated that she chose to purchase a home in an established, quiet neighborhood that would not change. She voiced concern about increased traffic and noise.

REBUTTAL

- Paula Peterson stated that no one had taken into consideration the concentration of traffic in the area due to St. Peters, Reese, and Lodi High Schools.

- Mike Hakeem pointed out that City staff has determined that the average daily traffic could equal or exceed 2,000 cars a day and not violate the planning and safety principles established under the City's program element. With 761 cars currently and the 130 added, the street capacity will only be at 50%. SPARC will review the modular buildings, and the community will have an opportunity to participate and provide input to determine their appearance. Regarding noise, he mentioned that there will be only one recess and one lunch period Monday through Friday.

Public Portion of Hearing Closed

Community Development Director Hatch reported that the modular buildings would take up 14 of the existing 61 parking spaces. The church has 80 to 100 parishioners, though its capacity is 300. The Planning Commission made a finding that 47 parking spaces were adequate for both the school and church.

Council Member Beckman stated that in this situation there is a private property owner who wants to lease some of its land for a use allowed under the City's zoning laws. Mr. Beckman explained that he tends to approve an allowable use unless there is a demonstrated harm that is going to be inflicted upon someone else, and that is not the case in this situation. He saw this matter as private property rights being exercised properly.

MOTION:

Council Member Beckman made a motion, Hansen second, to adopt Resolution No. 2006-70 upholding the Planning Commission's decision and approving the request of Lodi Avenue Baptist Church for a Use Permit to allow Vineyard Christian Middle School to locate on church property at 2301 West Lodi Avenue, subject to the conditions as recommended by the planning commission.

DISCUSSION:

Council Member Mounce expressed concern regarding parking. She preferred to view finished plans and SPARC review prior to making a decision. She noted that personal property rights also include all the people who own property in the neighborhood surrounding the project.

Council Member Hansen had confidence in the conditional use process and noted that it could be revoked if promises and conditions were not adhered to.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Hansen, and Johnson
Noes: Council Members – Mounce
Absent: Council Members – None
Abstain: Council Members – Mayor Hitchcock

RECESS

At 10:26 p.m., Mayor Pro Tempore Johnson called for a recess, and the City Council meeting reconvened at 10:32 p.m. Mayor Hitchcock returned to the dais.

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

a) The City Council, on motion of Council Member Hansen, Mounce second, unanimously directed the City Clerk to post for the following expiring terms:

Greater Lodi Area Youth Commission
(Adult Advisors)

Dale Jones	Term to expire May 31, 2006
Elizabeth Mazzeo	Term to expire May 31, 2006
Brad VanderHamm	Term to expire May 31, 2006

Site Plan and Architectural Review Committee Staff Report and Minutes

MEMORANDUM, City of Lodi, Community Development Department

To: Site Plan and Architectural Review Committee

From: Community Development Department

Date: June 19, 2006

Subject: The request of Vineyard Christian Middle School for SPARC approval for 5 modular classroom buildings to be placed on the grounds of Lodi Avenue Baptist Church located at 2301 West Lodi Avenue.

RECOMMENDATION

Staff recommends that the Site Plan and Architectural Review Committee approve the request of Vineyard Christian Middle School for the addition of five modular classroom buildings totaling 4,800 square feet and as well as modifications to the parking lot, driveways and landscaping at 2301 West Lodi Avenue, subject to the SPARC Common Design Requirements, and Supplemental Conditions.

SUMMARY

The applicant, Vineyard Christian Middle School, is requesting SPARC approval of the site plan and building elevations for a private school to be located on the grounds of Lodi Avenue Baptist Church at 2301 W. Lodi Avenue. The project involves the placement of five modular classroom buildings that will be located in what is now a portion of the church's parking lot. Each of the classroom buildings will be 24'x 40' in size (960 sq. ft.) and the five buildings will total 4,800 square feet. The modular classrooms will comply with building code standards, particularly as it relates to attachment to the ground. The project will also include modification of the existing church parking lot, additional landscaping and a new fence along Allen Drive.

BACKROUND

On February 22, 2006, the Planning Commission conditionally approved a Use Permit to allow the Vineyard Christian Middle School to construct a private 6th–8th grade school for a maximum of 84 students on the property of the Lodi Avenue Baptist Church. The decision to approve the Use Permit was appealed to the City Council by some of the residents in the neighborhood. On April 20, 2006, the City Council held a public hearing on the matter and denied the appeal, upholding the Planning Commission's decision. One of the conditions was that the project be reviewed by SPARC.

ANALYSIS

The Vineyard Christian Middle School (VCMS) is an existing private middle school for 6th, 7th and 8th grade students. The school is temporarily located on the grounds of the Woodbridge Elementary School in Woodbridge. The Woodbridge site, owned by the Lodi Unified School District was available to VCMS during the period the campus has been undergoing a major renovation and the LUSD students were relocated to other school sites. VCMS utilized modular classroom buildings on a portion of the Woodbridge site that was not being used for construction purposes. The renovations to the Woodbridge School will be completed in time for the fall school year and the LUSD will be moving back onto the school site. VCMS will have to relocate to a new site and they have determined that the Lodi Ave. Baptist Church site best suits their needs.

The school site will occupy the northern half of the church property. This area is currently a parking lot and an open grass field. The 5 modular classroom buildings will

be located on the paved parking area and the grass field will be used for a playground. Additionally there will be a smaller modular building that will serve as restrooms for the school and will be located west of the classroom buildings. The restroom building will replace an older church building in the same location that was recently removed.

In addition to the buildings, the project will involve the redesign of the existing parking lot, construction of a new fence along Allen Drive and the installation of new landscaping along the street frontage.

Staff, after reviewing the submitted plans has determined that there are several changes that must be made to the site plan. First, the parking layout does not match the design approved as a part of the Use Permit. The Planning Commission specifically approved a plan that had cars entering the site at the center driveway on Allen Drive and exiting from the southern driveway closest to Lodi Ave. This was done to minimize the traffic impact on neighborhood and the traffic flow on Allen Drive and Lodi Ave. The submitted site plan shows traffic going in the reverse direction. The site plan will need to be revised to reverse the flow of traffic to match what was approved by the Planning Commission. The parking lot will also have to be striped to reflect the new parking design and circulation.

Second, the proposed design places buildings in front of the northern-most driveway so it will no longer function as a driveway into the property. In order to eliminate any confusion and to improve the aesthetics of the site, the City will require that the driveway be removed and replaced with curb, gutter, sidewalk and landscaping.

Third, the site plan does not really show what is proposed for the new landscaping. Staff is recommending that the area along Allen Drive between the new fence and the street be contoured with a continuous mound ranging between 24" and 30"in height. The mound shall be planted with, groundcover, shrubs and trees to provide some screening between the school building and the residences across the street.

Finally, staff is recommending that the classroom buildings be given some additional architectural treatment. This can be done by requiring the painting of the trim around the doors, windows and roof fascia with the "Oregon Trail" paint color. This will provide some contrasting color to the buildings.

The proposed buildings will utilize two colors. The walls of the modular classroom buildings will be wood siding painted a "Drifting Dune" color. The roof, window and door trim will be painted an "Oregon Trail" paint color.

SUPPLEMENTAL CONDITIONS

In addition to the Committee's Common Design Requirements, staff recommends the following supplemental conditions:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.
2. The plans and final project shall comply with all conditions approved by the Planning Commission as part of Use Permit 05-U-020.
3. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The parking lot design shown on the submitted site plan does not conform to the plan approved by the Planning Commission. The approved plan must be redesigned with the traffic flow moving in a counter clockwise direction. The entry to the school parking lot must be located at the center driveway and the exit must be located at the southern driveway, closest to Lodi Ave. The parking lot must be re-striped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs.

4. Provide parking for the physically disabled. The spaces shall be located as close as possible to the primary entrance.
   a. Provide identification signs for the parking spaces including the “Tow away” sign at each entrance or visible from each space.
   b. The slope of a parking space shall not exceed ¼ inch per foot.
   c. Provide one van parking space.
5. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. The enclosure shall be landscaped on all visible sides except the entrance. Plans shall be submitted to the Community Development Department for approval.
6. A fence, no less than 5’ in height will be constructed along the Allen Drive frontage of the school. SPARC will determine the type of fencing material and the final design will be reviewed and approved by the Community Development Department.
7. A detailed landscape plan shall be submitted to the Community Development Department for approval. The plan must provide for new landscaping along the Allen Drive frontage. The landscaping shall include a 24” to 30”high mounding feature along this frontage. The mound shall be planted with groundcover, shrubs and trees to provide a landscaped screening effect along the street.
8. The classroom building shall be given additional architectural treatment. The walls of the buildings will be painted a “Driftwood Dune” color. The trim around all the windows, doors and roofs shall all be painted an “Oregon Trail” paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings.

9. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

10. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner’s contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.

11. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused northernmost driveways shall be removed and replaced with curb, gutter

and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.

12. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.

13. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.

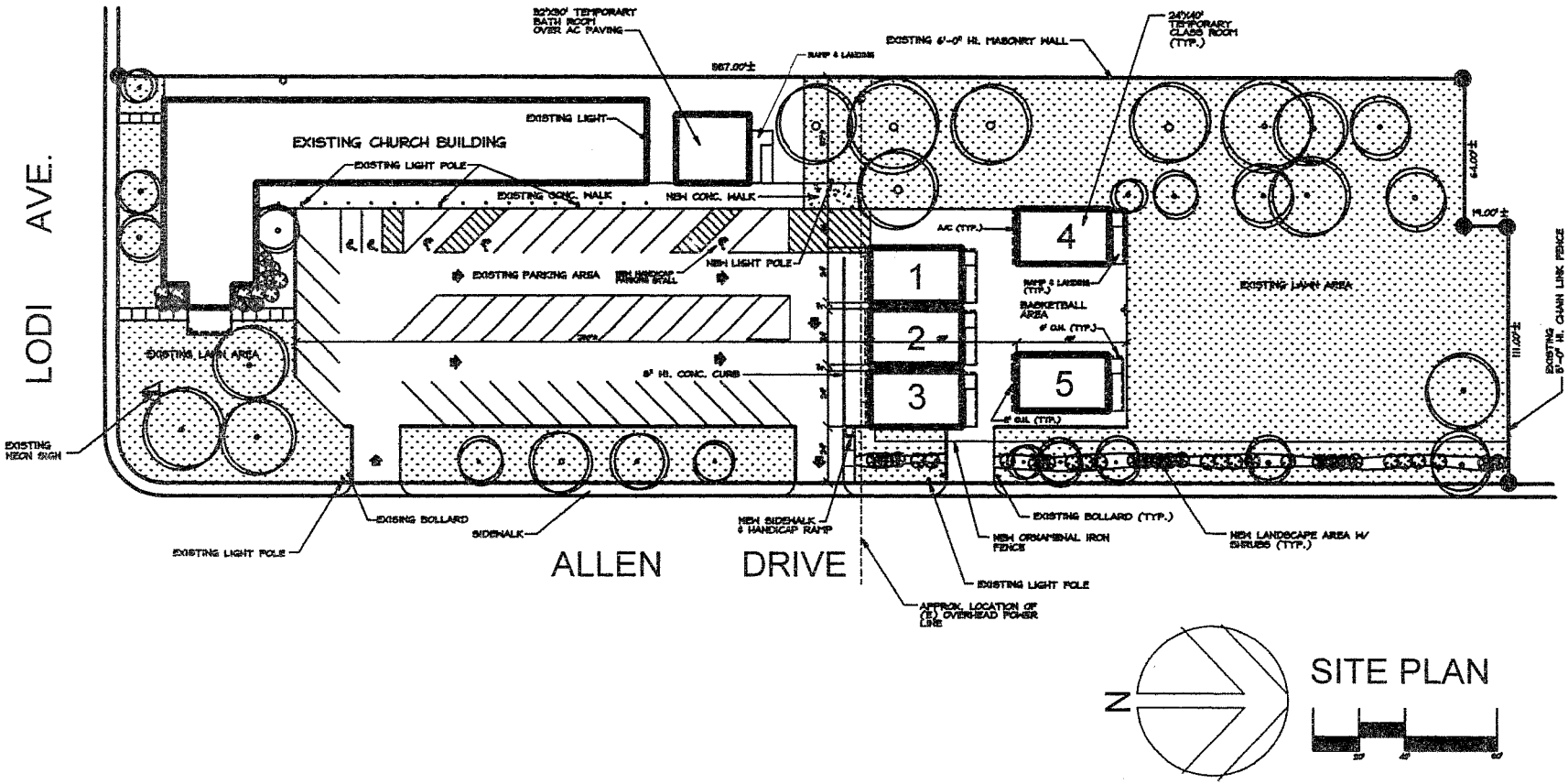
Prior to reliance on this conditional approval, the applicant shall sign an affidavit, stating that the applicant has read, understands and will comply with the above conditions. **This affidavit shall be returned to the City of Lodi Planning Department.**

Respectfully Submitted,

David Morimoto
Senior Planner

Concur,

Peter Pirnejad
Planning Manager



PROPOSED TEMPORARY CLASS ROOM FOR LODI AVENUE BAPTIST CHURCH

SITE PLAN AND ARCHITECTURAL
REVIEW COMMITTEE MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
MONDAY, June 19, 2006

1. CALL TO ORDER / ROLL CALL

The Regular Site Plan and Architectural Review Committee meeting of June 19, 2006, was called to order by Chair Selleseth at 5:15 p.m.

Present: Committee Members – Haugan, Slater and Selleseth.

Absent: Committee Members – Stafford and Kundert.

Also Present: Community Development Director Hatch, Planning Manager Pirnejad and Senior Planner Morimoto.

2. MINUTES

a) None

3. REVIEW ITEM

a) **The request of Vineyard Christian Middle School for SPARC approval of the site plan and elevations for a private middle school to be located on the grounds of Lodi Ave. Baptist Church, 2301 West Lodi Ave.**

Staff reviewed this item for the Committee. The project was described as a new campus for the Vineyard Christian Middle School (VCMS) which is currently located in Woodbridge. Earlier this year, the Planning Commission granted a Use Permit to allow the use of the church property for the school. VCMS proposes to install 5 modular class rooms building on the site as well as a modular restroom facility. The buildings will be placed near the center of the church property, on what is now a portion of the parking lot. North of the buildings is a grass area that will be the school playground. The school will have a maximum of 84 students in three classes. The modular buildings will be used for a period of several years until permanent class rooms can be constructed on the church site.

Staff went over some of the proposed design features of the project and some changes suggested by staff. Among the changes suggested by staff are the following:

1) Painting the trim around all doors, windows and roof lines a contrasting brown "Oregon Trail" color.
2) Redesign the parking lot to have the traffic flow go in a counter clockwise direction as approved by the Planning Commission. This will require that the lot be re-striped. Signs will need to be placed at the appropriate driveways.
3) Landscape the area between the proposed fence and the City sidewalk. The landscaped area shall include a continuous mound of with a height between 24" and 30"s that will be planted with groundcover, shrubs and trees. The landscaping shall provide some screening between the school and the adjacent residential neighborhood.
4) That any unused driveway is removed and replaced with curb, gutter sidewalk and landscaping.

Present to speak on the project was Ron Hittle representing VCMS. Mr. Hittle spoke about the project and addressed some of the staff requirements. He stated that they were in general agreement with the requirements except for the requirement to remove and rebuild the northern driveway. He noted that the modular buildings were a temporary situation and they were planning to build a permanent facility sometime in the future. When asked, he could not give a specific timetable for when this might happen. He proposed that the time being they be allowed to leave the driveway and instead install decorative bollards to block access to the driveway.

The Committee asked a number of questions of Mr. Hittle which he attempted to address. Committee Member Slater asked about the location of a refuse area, the bathroom configuration, the type of landscaping and the parking lot.

Mr. Hittle explained that the refuse enclosure will be away from the street in the area near the restroom. The restroom building will have both a men's and women's section as well as a staff restroom. The landscaping will utilize existing trees and will be supplemented with additional planting. A detailed landscape plan will be submitted to the City for staff approval. The parking lot will be given a slurry seal and re-striped to conform to the approved site plan.

Mr. Slater and other Committee members discussed the issue of the driveway removal. They generally felt that something should be done to modify the driveway to keep anyone from driving through, but they did not necessarily think that the entire driveway had to be removed. They also discussed the placement of the modular units and the direction the air conditioners will face. They felt that the proposed configuration was the best solution.

There were several members of the audience that came forward to speak. These included Bob and Paula Peterson, 2224 Allen Drive. They were concerned that the driveway configuration did not conform to the design approved by the Planning Commission. Community Development Director Hatch explained that while not identical, he felt that the proposal was close enough to the same design and the minor change would not significantly affect the way the facility functioned. The Peterson's also spoke in opposition to the proposed wrought-iron fence. They felt that the fence should be a solid masonry fence that would provide some sound attenuation for the neighbors to the east. Mr. Hatch explained that SPARC had the ability to determine what type of fencing was appropriate for the project.

Also present to speak were Paul Taormino and Dana Ashbaugh, 2225 Jackson Street. They also wanted a solid fence instead of the wrought-iron fence. Mr. Taomino said that except for the fence he was okay with the rest of the project.

Mr. Hittle addressed the Committee and stated that their primary concern with the masonry fence would be the cost. Because they were on a limited budget, they would like to seek the most economical solution for the fencing. Mr. Hatch noted that SPARC did not have to consider cost and could require what ever they felt was appropriate for the situation.

Committee Member Haugen felt that the fencing proposed by the applicant met the requirement of the Planning Commission and would be an attractive fence. Other members expressed their thoughts on the fencing.

Finally after extensive discussion, the Committee decided to approve the project subject to the standard and supplemental conditions on the staff report with two exceptions. The Committee was willing to approve the location of the buildings, the colors of the building and the areas for landscaping. The stated that the applicant could move forward with the relocation of the buildings to prepare for the opening of the school. SPARC did however, make the requirement that the applicant's work with the neighbors to come up with a fence design and choice of material that would be acceptable to all parties. They also wanted to see a design for the unused driveway that would help them determine whether the driveway should be removed or could simply be modified.

MOTION / VOTE:

SPARC, on motion of Member Slater, second by Member Haugen, approved the request of Vineyard Christian Middle School for a new school facility subject to the conditions on the attached affidavit and two additional conditions. The conditions are that VCMS return for SPARC approval with a fence plan that is acceptable to all parties and with a design solution for the unused driveway. The vote was as follows:

Ayes: Committee Members, Haugan, Slater, Selleseth.
Noes: Committee Members, none.
Abstain: None.

4. ADJOURNMENT

There being no further business to come before the Site Plan and Architectural Review Committee, the meeting was adjourned at 7:00 p.m.

ATTEST:

David Morimoto
Senior Planner

Site Plan and Architectural Review Committee Appeal

APPEAL TO CITY OF LODI SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S (SPARC's) CHANGES TO USE PERMIT APPLICATION NO. U-05-020 FOR LODI AVENUE BAPTIST CHURCH TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI AVENUE

The Lodi Planning Commission and the Lodi City Council approved Use Permit Application No. U-05-020 for Lodi Avenue Baptist Church to allow Vineyard Christian Middle School to locate on church property at 2301 West Lodi Avenue subject to a number of conditions. At SPARC's May 19th meeting, at which we were present, VCMS presented changes which are in direct violations of four (4) of the sixteen (16) conditions. They were asked to work with the neighbors in the resolution of these items. To date no neighbor has been contacted by VCMS or any party involved in the project; therefore we are appealing the three (3) violations as follows:

B) "All construction is done with proper Building Department and Fire Department approvals and permits."

1) Construction has started. According to both Randy Hatch, Community Development Director, and Richard Prima, Director of Public Works, no Building Department and/or Fire Department approvals and permits have been issued.

2) Why didn't the Project Manager pull permits before the work began? He also should have submitted changes to the use permit in an addendum so that they could have been reviewed by the Building Department and the Planning Commission. This is what is required for all members of the community. The Project Manager directed work to start on the project prior to obtaining work permits.

3) What actions does the City of Lodi take when construction is started without proper permits? It is our understanding that if permits have not been issued prior to the filing of this appeal, they shall not be issued until the appeal has been heard.

C) "The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church, the City reserves the right to revisit parking needs any may require additional parking conditions."

1) SPARC directed the redesign of the parking lot including traffic flow, signing, and restriping. The city's requirement for Lodi Avenue Baptist Church is 75 parking spaces. This was reduced to 47 spaces which does not accommodate church activities. Will the redesign of the portables which was adopted by SPARC cause loss of anymore parking spaces?

2) In the February 8, 2006, City of Lodi Planning Commission Staff Report, Mr. Morimoto, Senior Planner, said that "There is not a requirement for the amount of grass area that a

school has to have. It would be possible to push the modulars back further onto the grass area to allow more parking if necessary.

D) "The Vineyard Christian Middle School (VCMS) **shall** modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plans shown on Exhibit A. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance," and the south driveway shall be signed "School Exit, Right Turn Only." Additional pavement directional arrows may be required and the parking stalls realigned to match the direction of traffic flow."

1) The northern driveway was chosen for traffic ingress to mitigate potential traffic problems and "to increase vehicle stacking room on site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. This will further limit the distance vehicles need to travel on Allen Drive. This will also spread the vehicles over two more widely separated driveways instead of concentrating them at the center of the property." (Planning Commission Minutes of February 22, 2006)

2) Prior to the SPARC meeting of May 19, 2006, VCMS changed the layout of their portables. This change dictated that the northern driveway be abolished and the center driveway be used to accommodate traffic ingress. Also prior to the SPARC meeting and approval, VCMS bull dozed the northern driveway in direct violation of condition **D** as stated above.

a) We have been told by both Randy Hatch and Richard Prima that using the center driveway for traffic ingress is a safety issue as it creates an intersection at Allen Drive and Jackson Street. The safety issue is augmented by the fact that it is not an exact intersection but slightly offset. Traffic will be entering the center driveway from three directions at the same time: West on Jackson Street and North and South on Allen. The Planning Commission has very valid concerns about the dangerous traffic flow pattern created by using the center driveway for ingress.

b) Mr. George Lepart, representative for VCMS at the February 8, 2006, Lodi Planning Commission meeting stated, "The flow of the drop off and the pick-up will be whatever it needs to be to work cooperatively with the surrounding neighborhood and staff's recommendations.

H) "The VCMS shall upgrade the landscaping along Allen Drive to improve the appearance of the school from the street. These features will include new shrubs, trees and any other items deemed appropriate by SPARC. The VCMS shall also construct a fence (the design to be approved by SPARC) along the east side of the school as a separator between the school grounds and Allen Drive."

1) During discussions with both the Planning Commission and the City Council, it was agreed that a fence running from the parsonage to the south edge of the northern driveway would be the most appropriate separator between the school grounds and Allen Drive.

2) VCMS is now proposing a wrought iron fence and landscaping along the Allen Dr. frontage.

   a) A wrought iron fence and landscaping will not deflect noise or the heat created by the air conditioning units. We request a seven (7) foot sound wall from the north edge of the property where the parsonage is located to the north side of the far south drive way.

   b) Examples of this type of wall can be seen along the west side of Lower Sacramento Road between Lodi Avenue and Elm Street.

3) SPARC directed Ron Hittle, President of VCMS Board, to contact Paul Taormina and/or Dana Ashbaugh to come up with a fence design and choice of material that would be acceptable to all parties. To date, neither Paul nor Dana have been contacted.

Although not listed as specific conditions in the use permit, we would like the Planning Commission and the City Council to review the following issues:

1. Portables

   a. All parties involved agreed that VCMS would put five (5) portable buildings on the property – three (3) for classrooms, one (1) for administrative offices, and one (1) for a multipurpose room and restrooms. This configuration has also changed to be six (6) portables – the original five (5) and an additional portable for restrooms. Dennis Haugan of the Planning Commission and SPARC has informed us that since the youth center building at the church was torn down, VCMS can justify placing another portable building on the property as the total number of buildings does not exceed the original number on the property. However, the youth center was a church building used for church purposes. The restrooms that are replacing it are for school use, not church use. Statements made by VCMS representatives at prior city meetings emphasized that the school's portables would be self-contained, and they would not be sharing facilities with the church. Therefore, the additional 6th portable to be used for a restroom is actually a VCMS portable and not a replacement for the church portable that was destroyed.

   b. What are the code requirements for portable foundations? Currently pressure treated wood is being placed flat on the ground for the foundations. Pressure treated wood contains poisonous carcinogens and any water runoff will carry carcinogens into city drains.

   c. How old are the portables? Are these portables condemned portables from Elk Grove School District? (Public schools have a twenty (20) year use code.) What is the remaining life expectance of these portables? If the permanent school is not built in a timely manner, these portables may outlive their life expectancy. A time limit requirement should be placed on the portables at this site.

During the SPARC meeting on May 19, 2006, Bob Peterson requested the changes already put in place that are in violation of the use permit go back to the Planning Commission or the City Council. His request was denied. Randy Hatch stated that the changes were within the scope of the authority of SPARC. We are concerned that SPARC overruled the Planning Commission by approving a new project design. We would like to know what SPARC's authority is and what their limitations are. We would also like SPARC to know and understand what their authority and limits are.

We respectfully request Deputy City Attorney Janice Magdich to:

1. Review the violations of the use permit.

2. Review if Commissioner Cummins has a conflict of interest being he is pastor of another local church and is being asked to rule on another local church's use permit.

3. Decide if sanctions are in order and whether the use permit should be revoked.

During the April 19, 2006 City Council Meeting, Council Member Hansen stated that he "had confidence in the conditional use process" and noted that it could be revoked if promises and conditions were not adhered to. We request the issues listed above be reviewed by the Planning Commission and the City Council before any further work is done by VCMS at the 2301 West Lodi Avenue property.

_____ _____

Paul Taormina, 2225 Jackson St. Lodi, Ca. 95242 Date
(209) 333-1800

_____ _____

Dana Ashbaugh, 2225 Jackson St. Lodi, Ca. 95242 Date
(209) 333-1800

_____ _____

Bob Peterson, 2224 Jackson St. Lodi, CA 95242 Date
(209) 369-3729

_____ _____

Paula Peterson, 2224 Jackson St. Lodi, CA 95242 Date
(209) 369-3729

Planning Commission
July 26, 2006
Staff Report and Minutes

CITY OF LODI
PLANNING COMMISSION
Staff Report

MEETING DATE:	July 26, 2006
REQUEST:	An appeal to the Lodi Planning Commission to overturn the decision of the Lodi Site Plan and Architectural Review Committee (SPARC) to approve the site plan and building elevations for the Vineyard Christian Middle School located at 2301 W. Lodi Ave. (File #06-SP-06)
LOCATION:	2301 West Lodi Ave. APN 029-130-31
APPLICANT:	Applicant: Vineyard Christian Middle School 2301 West Lodi Ave. Lodi, CA 95242
APPEALANTS:	Appealing parties: Paul Taramino/Dana Ashbaugh 2225 Jackson St. Lodi, CA 95242 Bob and Paula Peterson 2224 Jackson St. Lodi, CA 95240
PROPERTY OWNER:	1st Southern Baptist 2301 West Lodi Ave. Lodi, CA 95242

RECOMMENDATION

City staff has provided two alternative resolutions for consideration: one denying the appeal and upholding the decision of SPARC regarding re-configuration of the school buildings and elimination of the northern driveway and use of the middle driveway; and one upholding the appeal requiring the original placement and configuration of the modular school buildings and use of the northern driveway and elimination of the middle driveway. Both resolutions would also allow: (1) a sixth modular building (bathroom building) to be placed in the general location of a former church modular; (2) approve a 6 foot high solid stucco system wall to screen the modular classrooms; (3) a 6 foot high block trash enclosure; and (4) landscaping along Allen Drive generally from the entrance driveway north beyond the classrooms.

PROJECT/AREA DESCRIPTION

General Plan Designation:	LDR, Low density residential.
Zoning Designation:	R-1, residential single-family
Property Size:	2.64-acres.

The adjacent zoning and land use designations are as follows:

North: R-1, residential single-family and Public. The property immediately north of the church property contains a private swimming club that is open seasonally. North of the pool is Henry Glaves Park, a City park/basin.

South: R-1. The area to the south, across Lodi Ave. is single-family residential.

East: R-1. The area to the east, across Allen Drive is single-family residential.

West: PD (27) Planned Development. West of the church site is Parkview Terrace, an 8.2-acre planned unit development that contains an adult residential community.

BACKGROUND

Vineyard Christian Middle School is an existing private 6th, 7th and 8th grade Christian middle school that was located on a temporary basis on the grounds of the Woodbridge School, a school site owned by the Lodi Unified School District (LUSD). The LUSD buildings on the site were being extensively remodeled to provide a modern elementary school facility. During the remodeling all the LUSD students have been relocated to other schools and no public school students were on site. The VCMS students were housed in modular classroom buildings located on a corner of the school property. The Woodbridge Elementary School is scheduled to reopen in the fall of 2006. When this happens, VCMS will have to relocate, and they have selected the Lodi Ave. Baptist Church property at 2301 West Lodi Ave. as their choice for a new school site. The VCMS is not directly affiliated with the Lodi Ave. Baptist Church and will only be leasing land from the church.

On February 8, 2006, Vineyard Christian Middle School appeared before the Lodi Planning Commission to request a Use Permit to open the VCMS on the property of Lodi Ave. Baptist Church. The site plan presented to the Planning Commission showed the school being located on the northern half of the church property. The classroom buildings were arranged in a U-shape with the open end facing south. The buildings were located on a portion of the church parking lot with the grass area behind the buildings proposed for a recreation area. They also proposed to utilize the northern-most driveway as the vehicular entrance to the school and the southern-most driveway as the exit. VCMS proposed to have a maximum of 84 students and plan to have 5 teachers and staff, the school will operate Monday through Friday, from 8:30 am to 3:10 pm. At this meeting there were numerous speakers who addressed the Planning Commission both in favor and in opposition to the project. Because of the many issues and questions that were presented during the hearing, the PC voted to continue the hearing to their next meeting to allow the applicant and staff time to address some of these issues. The neighbors were particularly concerned with the following issues:

1). <u>Traffic on Allen Drive.</u>

Neighbors were concerned that the proposed school will generate additional traffic on Allen Drive. They indicated that Allen Drive was a residential street with relatively low traffic volumes. They were concerned that the addition of 84 students and 5 staff would impact the street and neighborhood, particularly during morning and afternoon pick-up and drop-off periods. They also felt that the problem was compounded by the nearby St. Peters Lutheran School located at the corner of Oxford Way and Lower Sacramento Road. They felt that many of the parents of students at St. Peters also used Allen Drive to come and go from that school. They felt the combination of traffic from both schools would create a hazardous situation on Allen Drive.

2). Increased activity, noise and litter as a result of the school being located on this property.

Neighbors were concerned that the school will generate more activity on the church property relative to what was there now. They felt that the church was a relatively unobtrusive use, with activity primarily on Sundays and during special events at the church. The school will have students on site Monday through Friday, 9 months a year. They felt that the added presence of students would create noise and litter that will affect the neighborhood.

3). Aesthetic concerns.

Neighbors were concerned about the visual effects the school would have on the neighborhood. The applicant's are proposing to move 6 modular buildings onto the property. These will include 3 classrooms buildings, one office building, one bathroom building, and a joint use school/church multi-use building. The neighbors expressed concern about the appearance of the buildings and how they would look from their residences across Allen Drive. They noted that the property is open along the Allen Drive frontage and there is no fence or other type of screening. There are only a limited number of trees planted along Allen Drive and no shrubs or other landscaping that could serve to screen the property.

At the Planning Commission meeting of February 22, 2006, City staff addressed the questions raised during the previous Planning Commission meeting. Staff specifically attempted to address the issues raised by the neighbors at the February 8th meeting.

1). Traffic.

Based on City calculations, the school could generate 130 additional vehicle trips per day. This would be in addition to the current volume of 761 vehicle trips per day on Allen Drive. The capacity of Allen Drive is approximately 2000 vehicle trips per day. Even with the addition of the school traffic, the potential total of 900 vehicle trips will be less then 50% of the design capacity for Allen Drive. In the City's estimation, the added traffic will not significant impact the capacity or the safety of traffic on Allen Drive.

While the added traffic will not be an engineering issue, we do acknowledge that the neighbors, particularly those immediately adjacent to the school site will notice an increase in traffic. This will be most noticeable during the pick-up and drop-off periods. The perceivable change is compounded by the fact that traffic volumes on Allen Drive are relatively low so any increase is noticeable. It is possible that over time the neighbors will become accustom to the school traffic and the additional traffic will become less noticeable. In staff's opinion, the additional traffic generated by the school is not so much an engineering issue of traffic safety or congestion but more of an issue of perception by the neighborhood and the public. The street clearly has the capacity to safely handle the anticipated traffic volumes generated by the school. Whether the possible effects on the neighborhood are acceptable is more of a policy issue than a traffic engineering issue. The City has worked with the school to try to come up with ideas that may help the situation. The following options are put forth for consideration:

a) The driveway layout and the travel route of vehicle entering and exiting the school property was to require vehicles to enter the school grounds at the northern most drive way. Vehicles will proceed to a designated drop-off area, pick-up or drop-off their student and proceed south through the parking lot and exit at the southern most driveway, turning right onto Allen Drive. Under this alternative, the center driveway will be closed. Under this proposal, new signing will be required to designate the path of travel for vehicles and to designate the right-turn-only at the exit driveway.

This proposal provides increased vehicle stacking room on-site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. Requiring that exiting vehicles only turn right on Allen Drive will mean that most vehicles will only travel a short distance on Allen when exiting the property and that there will be fewer conflicts with passing traffic. This will also spread the vehicles over two more widely separated driveways instead of concentrating then at the center of the property.

b) The VCMS has also suggested other methods that they feel will help alleviate the traffic situation. One is to stagger their school start and finish times with St. Peters Elementary School, to reduce the amount of overlap. VCMS will be willing to start either earlier or later then St. Peters, depending on what works better for each school. This will reduce the concentration of traffic and spread it out over a slightly longer time span.

c) Another suggestion made by VCMS is to have an adult traffic monitor onsite every morning and afternoon during drop-off and pick-up times. This person will monitor the traffic flow and work with parents to get them on and off the property safely and with minimal conflicts with passing street traffic. This person would also monitor the students to make sure they get to class safely.

d) Finally VCMS has created a parking lot instruction sheet that they will hand-out to each school family. The sheet contains the procedure for the pick-up and drop-off of students. This includes the requirement that during both drop-off and pick-up vehicles must be in a parking space before students may exit or enter the vehicle. They are also planning to require that all drop-offs and pick-ups be made from vehicles that are in the parking lot. Students can not exit or enter vehicles parked on Allen Drive.

2). <u>Addressing the question of increased activity on the property and the related potential for noise and litter.</u>

a) There is no question that the VCMS will bring more people onto the property.
This problem is somewhat off set by the limited number of students (84) that will be enrolled in the school and the limited number of grades (3 grades). Unlike larger schools that have multiple lunch periods and P.E. or recess periods that stretch throughout the day, VCMS will have a single break in the morning and a single lunch period. The rest of the time, students will be in the classroom. Additionally, the school will be a closed campus so students will not be leaving campus to eat lunch. The closed campus and the single lunch period will reduce the impacts on the surrounding neighborhood by limiting the time students are outside of the classroom. Having a closed campus will also make it easier to monitor any potential litter problem. School supervisors can make sure students put their lunch litter in designated garbage cans. Also students will not be out in the neighborhood during lunch periods.

Having students on the site will increase the ambient noise level during school hours. There will be some increase in noise during drop-off and pick-up periods and when students are outside the classroom. This is a relatively quiet neighborhood so it is possible that nearby neighbors will hear some increased level of noise. What level of disturbance they will experience is hard to quantify. Generally school related noise is not considered an unusual noise source by the City's Noise Ordinance. Schools have historically been considered part of residential neighborhoods and are permitted by

the City Zoning Ordinance in residential zones. Almost all schools in Lodi as well as in other cities are located in residential areas. Schools and their related noises have traditionally been accepted as part of the every day activity of communities. VCMS will not have school buses or traditional sports fields so they will generate less noise then most schools.

VCMS can reduce the potential noise problems by monitoring vehicles entering and exiting the school property. Vehicles should avoid using their car horn or playing loud stereos. Students can also be monitored to avoid unnecessarily loud noises when they are outdoors.

3). Aesthetics.

a) In order to improve the appearance of the proposed school site, one of the conditions of approval was that the project be reviewed by the Site Plan and Architectural Committee (SPARC). The Committee can require the applicant to add various features to their project to improve the overall appearance of the project. This could include fencing; additional landscaping, especially along Allen Drive; changes in the color or appearance of the buildings; parking lot improvements and other site related changes that the Committee feels will improve the design of the school.

There were also numerous member of the audience who spoke both for and against the granting of the Use Permit. Following a lengthy discussion, the Planning Commission conditionally approved the granting of the Use Permit to allow VCMS to locate a private middle school on the grounds of the Lodi Ave. Baptist Church at 2301 W. Lodi Ave. The conditions as outlined in the Resolution included:

A. The final site plan and building elevations for the project be reviewed and approved by the City of Lodi Site Plan and Architectural Review Committee (SPARC) prior to any buildings being permanently located on the property.

B. All construction is done with proper Building Department and Fire Department approvals and permits.

C. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.

D. The Vineyard Christian Middle School (VCMS) shall modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plan. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed “School Entrance” and the south driveway shall be signed “School Exit”, “Right Turn Only”. Additional pavement directional arrows maybe required and the parking stalls realigned to match the direction of traffic flow.

E The VCMS shall modify their school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.

F. The VCMS shall prepare “Parking Lot Instructions” which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.

G. That VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.

H. The VCMS shall upgrade the landscaping along Allen Drive to improve the appearance of the school from the street. These features will include new shrubs, trees and any other items deemed appropriate by SPARC. The VCMS shall also construct a fence (the design to be approved by SPARC) along the east side of the school as a separator between the school grounds and Allen Drive.

I. VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.

J. The VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.

K. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition E) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.

L. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.

M. Payment of Development Impact Mitigation Fees at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $57,301.04. Fee calculations are shown on the Development Impact Mitigation Fee Summary Sheet which will be provided to the applicant. The fees are based on information contained in the use permit application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,000 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and will be those in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

N. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available for reference. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first.

O. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately $2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

Following the Planning Commission's approval of the Use Permit some of the neighbors submitted an appeal requesting that the City Council overturn the actions of the Planning Commission and deny the VCMS Use Permit. On April 19, 2006, the City Council conducted a public hearing to consider the appeal of the Planning Commission's decision to approve the Use Permit for the VCMS. The City Council denied the appeal and affirmed the Planning Commission's approval of the Use Permit.

On June 16, 2006, SPARC reviewed the VCMS proposal to determine the adequacy of the site layout and building design. VCMS presented a revised site plan to the Committee that had some differences from the plan reviewed by the Planning Commission and endorsed by the City Council. The first change included moving the location of the classroom buildings south approximately 60 feet. This will place the buildings in front of the northern most drive way. This would block this driveway and require that the center driveway be utilized as the entrance to the school. Because of the southward shift, the new location also placed the buildings entirely on the paved parking area and did not encroach on the grass field as originally proposed. A second change was a different arrangement for the buildings. The pattern of the 5 buildings being arraigned in a horseshoe pattern with the open end to the south was changed to 5 buildings in two lines (3 classrooms to the south and 2 to the north) perpendicular to Allen Drive. Third, the revised plan showed a sixth building. The restroom building replaced an existing modular building that was used by the church and has been removed from the property. A joint use church/school building was placed among the classrooms. Fourth, the plan reviewed by SPARC showed a wrought-iron fence along the Allen Drive frontage between the school and the street with modest landscaping.

The Committee asked staff about the differences in the plans and it was staff's opinion that the changes would not substantially affect the way the school functioned or its relationship to the surrounding neighborhood and could be approved by SPARC if desired. The one issue staff felt needed to be addressed in more detail was the issue of the fencing and landscaping between the fence and the sidewalk. The Committee felt that the proposed wrought-iron fence may not be the best solution and they instructed the applicant to work with the neighbors to develop a fence design that is acceptable to both parties. They wanted the fence and landscaping plan to be more fully developed and returned to SPARC for final approval. VCMS agreed to this solution. In order to allow VCMS to proceed with their project in a timely manner, SPARC conditionally approved the overall site plan and building elevations subject to the fence and landscaping plan being approved by SPARC at a subsequent meeting. Other conditions included the following:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.
2. The plans and final project shall comply with all conditions approved by the Planning Commission as part of Use Permit 05-U-020.
3. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The parking lot design shown on the submitted site plan does not conform to the plan approved by the Planning Commission. The approved plan must be redesigned with the traffic flow moving in a counter clockwise direction. The entry to the school parking lot must be located at the center driveway and the exit must be located at the southern driveway, closest to Lodi Ave. The parking lot must be re-striped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs.
4. Provide parking for the physically disabled. The spaces shall be located as close as possible to the primary entrance.

a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.

b. The slope of a parking space shall not exceed ¼ inch per foot.

c. Provide one van parking space.

5. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. The enclosure shall be landscaped on all visible sides except the entrance. Plans shall be submitted to the Community Development Department for approval.

6. The classroom buildings shall be given additional architectural treatment. The walls of the buildings will be painted a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings.

7. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

8. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.

9. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused northernmost driveways shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.

10. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.

11. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.

12. Standard SPARC requirements.

Several days after the SPARC meeting, some of the neighbors filed an appeal of the SPARC approval of the VCMS project. The appeal was based on their feeling that the plans approved by SPARC were significantly different then the plans approved by the Planning Commission. They

also felt that the applicants had proceeded with work on the project before all approvals had been obtained.

ANALYSIS

The Lodi Avenue Baptist Church is located on a 2.6-acre parcel of land at the northwest corner of Allen Drive and West Lodi Ave. The church and related Sunday school classrooms are located on the south half of the property. The north half of the property contains a portion of the church parking lot, an open lawn area and a church parsonage, which is located on the northern-most portion of the property. The Vineyard Christian Middle School will be located in the center of the property between the church and the church parsonage. The proposed site is partially paved and partially planted in lawn. The classrooms will be placed on the paved area which is currently part of the church parking lot and the lawn area will serve as the school playground. Placement of the school buildings on the paved area will result in the loss of approximately 14 parking spaces. The resulting loss plus the redesign of the parking layout will leave the church with approximately 40 parking spaces. The City's parking standards are based on one parking space required for every four seats in the church sanctuary. The Lodi Ave. Baptist Church has a sanctuary that seats 300 people. This requires 75 parking spaces. The existing 54 parking spaces for the church, while less than the 75 required by code, is an existing condition that staff believes was in compliance when the church was constructed. This represents a legal non-conforming or "grandfather" condition. According to the church, their normal Sunday services are attended by 80 to 100 parishioners. Based on their actual attendance, they will have sufficient parking, even after the reduction in the number of parking spaces. In addition, the church is located on a corner and has significant street frontage for parking. Although properties are not credited for street parking, staff estimates that an additional 22 to 24 cars could parallel park adjacent to the church property making up for the loss of 14 spaces due to the school.

The Vineyard Christian Middle School plan, as reviewed by SPARC, is proposing to place five modular buildings on the church site. Each of the buildings is 20'x 40' in size. Three of the units will be classrooms, one will be a joint church/school multi-use building and the fifth unit will house both an office and classroom facilities. The five buildings will be arranged with three buildings along the new sidewalk next to the parking lot and two buildings north along the lawn area with both groupings perpendicular to Allen Drive. There is also a sixth modular building that will be a restroom facility. This 30'x 36'building will be located on the west side of the parking lot and will replace an existing church building that has recently been removed. The location will be identical to the previous building. The grass area to the north of the classrooms will serve as outdoor play areas. There will also be some paved play areas adjacent to the classrooms. Parking for the 5 staff members will be provided adjacent to the school. A fence, at least 5-feet in height will be constructed along the east side of the school to provide a separator between the school and Allen Drive.

According to their application, VCMS will have a student population of up to 84 middle-school students who attend school from 8:30 am to 3:10 pm. Monday through Friday on a traditional school calendar. For a period of one-half hour before and after school, students are regularly dropped off or picked up by parents or guardians. A regular school day includes seven 45-minute class periods, a 15-minute morning break, and a 45-minute lunch period. Students eat lunch outside on picnic tables or in the classrooms. The school is a closed campus. The school does offer a sports program but most practices and games are held off-site at other Lodi facilities. The application states that activities conducted before or after the hours of 8:00 am or 4:00 pm are typically held off campus.

The school will operate during daytime hours, Monday through Friday. By contrast, the church is most active on weekends, particularly on Sundays and on certain weekday nights. Because the

facilities operate on different schedules, there should be minimal conflict between the church and the school. According to the site plan there is sufficient space on the Lodi Avenue Baptist church property to accommodate the school without significantly impacting the church. The area that the school will occupy is currently unused by the church and will not affect their operations.

The church property is located on the corner of Lodi Ave. and Allen Drive. Lodi Ave. is a major east-west arterial serving much of central Lodi and has an average daily vehicle trip count of 6,900 vehicles per day. Lodi Avenue along with Allen Drive will provide the access to the school site. Allen Drive has an average daily trip count of 761, fairly typical for a residential street. Figures provided by the school indicate that the school will have 84 students and 5 employees. Using data from the Institute of Traffic Engineers (ITE), middle schools generate 1.6 vehicle trips per students/employees. The school could generate 134 additional daily vehicle trips. It is likely that some students will carpool, walk or bike to school, reducing the number of vehicle trips. The increase in traffic volume will probably be most noticeable on Allen Drive. The impact of the additional vehicles will be lessened to some degree by the fact that the school site is near the intersection of Lodi Ave. so many of the vehicle trips will only travel one or two blocks of Allen Drive. While the additional vehicle trips may be noticeable to neighbors, particularly the 5 or 6 houses that are directly across from the church property, an increase of 134 vehicle trips on Allen Drive is still within the acceptable traffic volume for a residential street.

There were other issues that were discussed during the hearing process. One was the change regarding which driveway would be used for the entry to the school. The original plan utilized the northernmost driveway as the entrance and the southernmost driveway as the exit. The revised plan eliminates the northern driveway and instead uses the center driveway as the entrance. The Community Development Department asked the traffic engineering division of the Public Works Dept. to look at this issue. They responded as follows:

"As indicated in the City's Design Standards Section 1.401, the number, location, and width of permitted driveways is regulated by the Public Works Department and shall be based on the demonstrated needs of the parcel being served. They shall not be excessively detrimental to the abutting street capacity, safety, and/ or efficiency. As requested, my staff has reviewed the proposed project driveways for the two alternatives being considered."

"The site presently has three driveways, only two of which are needed for the proposed circulation plan. With either alternate, one driveway is to be abandoned per City standards and the southernmost driveway is to be for exiting."

"The alternative using the northernmost driveway for ingress is preferred as it is further from the Jackson Street intersection. The middle driveway is only 23 feet north of Jackson Street. However, given the low volumes on Allen Drive and Jackson Street, using the middle driveway would be acceptable with on-site provisions to avoid on-street stacking. Such provisions should include a no-stopping or parking zone along the curb of the school buildings."

"As previously conditioned with the use permit, the parking lot also needs to be restriped to provide circulation for the proposed northerly entrance and southerly exit."

Another issue that was raised was the change in the location and arrangement of the classroom buildings. The revised site plan moves the buildings further south by approximately 60 feet. The change in location will place the buildings in front of the northernmost driveway, thereby eliminating its use and requiring the center driveway to be used as the school entrance. The change in location will also place the buildings in the line of sight to more residences on Jackson Street. Whether this is a problem is to a degree a matter of opinion. In the new location, more of

the houses, particularly those on the south side of Jackson Street will be able to see the classroom buildings. Most of those will be from one hundred to several hundred feet away. The perceived visual impact of this issue can be lessened by some of the conditions required by SPARC. These include repainting the buildings to improve their appearance. SPARC also required new fencing along the Allen Drive frontage to help screen the school and finally there was a requirement to put in additional landscaping between the fence and the sidewalk. The proposed fence will consist of a 6-foot high stucco wall with a rounded decorative top running from the school entrance to the furthest northern extent of the modular buildings. The new landscaping will include a continuous raised berm, groundcover, shrubs and trees along the frontage of the school in front of the stucco wall. Vines are proposed to climb the stucco wall both for appearance and to prevent graffiti. The trash enclosure will be designed to City standards and located back next to the side of the existing church building and the new 6th building housing bathrooms. These features will help to soften the visual impact the buildings will have.

The other issue related to the placement of the buildings was the direction they were facing. In the original layout, the buildings were placed in a U-shape, with the open end facing south. In the revised plan, the buildings are in two groupings perpendicular to Allen Drive. From a visual standpoint, there would be little difference. In either case, what would be most visible from the street would be the side of the two buildings that side on Allen Drive. They would look more or less the same regardless of which direction they were facing. There was some discussion about the direction the air conditioners were facing and how that would affect the neighbors. Here again, regardless of whether the buildings are oriented to the north or the south, the air conditioners will be facing in the direction of someone's residence. If they face south they will be more oriented towards Jackson Street. If they face north, they will be oriented more towards the residences on Capell Dr. or Walnut Street. The school is separated from the residences to the east by the width of Allen Drive. Additionally, it is not uncommon for most homes in Lodi to have air conditioners, whether ground mounted, roof mounted or window mounted, so any related noise would not be unusual.

Finally, there was the issue of the "sixth" building. This is a 30'x32'modular restroom building that was placed on the property. This was not indicated on the original site plan approved by the Planning Commission. The building replaces a previous existing building that was located in the same place on the property. The previous building was owned and utilized by the church but apparently was no longer in use. The applicants removed the church building and replaced it with the new restroom building. The two buildings are roughly the same size and shape, the only difference is the new building is a restroom instead of a classroom building. How the Planning Commission wants to treat this building is something the Commission will need to discuss.

The school will have some buffering from surrounding properties. The properties most directly affected will be the 6 corner parcels along the east side of Allen Drive directly across the street from the church property. They will experience some increase in traffic on Allen Drive adjacent to their properties and an increase in the level of activity on the church property, including noise as a result of the presence of the school. Properties to the south will be buffered by the existing church buildings on the property as well as Lodi Ave., a four-lane street that separates them from the church property. The property to the west is an adult residential community. They are separated from the church property by a six-foot high block wall. The block wall surrounds their complex on three sides and is higher along Lodi Ave. and Lower Sacramento Road. Because of the wall and the fact that their entrance is on Lodi Ave., they will not be directly affected by the increased traffic or be visually affected by the increase in the level of activity created by the school. They may experience some increase in noise although it will be limited to day time hours and primarily during periods when the students are outside of the classrooms.

The block wall separating the properties will reduce the noise levels and there are numerous trees planted on both sides of the fence that visually screen the school site from the houses to the west. To the north, there is a church parsonage, a private seasonal swim club facility and a City park/basin. Only the church parsonage will be affected to any degree and presumably the church has considered this before making the site available to the school. Overall, the school will be buffered as well as most school sites in Lodi. Almost all schools in Lodi are located in residential areas and most have residences that face, side or rear to the school property. Schools are a permitted use in residential zones with approval of a Use Permit. In most cases the schools, particularly the public schools, have a much larger student population and a much larger campus. Generally speaking, schools and neighborhoods seem to coexist.

ENVIRONMENTAL ASSESSMENTS

The project was found to be Categorically Exempt according to the California Environmental Quality Act, Article 19 §15332, Class 32. The project is classified as an "In-fill Project", less than 5-acres in size; surrounded by urban development and served by City utilities; consistent with the zoning and where no significant environmental impacts are anticipated and no mitigation measures have been required.

PUBLIC HEARING NOTICE

Legal Notice for the Use Permit was published on July 14, 2006. 65 Public hearing notices were sent to all property owners of record within a 300-foot radius of the subject property.

ALTERNATIVE PLANNING COMMISSION ACTIONS:

- Deny the Appeal and uphold the SPARC approval allowing a change in configuration and driveway with the added elements of the 6th building, trash enclosure, fence and landscaping
- Uphold the Appeal and overturn the SPARC approval returning to the original configuration and driveway with the added elements of the 6th building, trash enclosure, fence and landscaping
- Uphold the Appeal and adopt different conditions for the project
- Continue the Appeal

Respectfully Submitted,

David Morimoto
Senior Planner

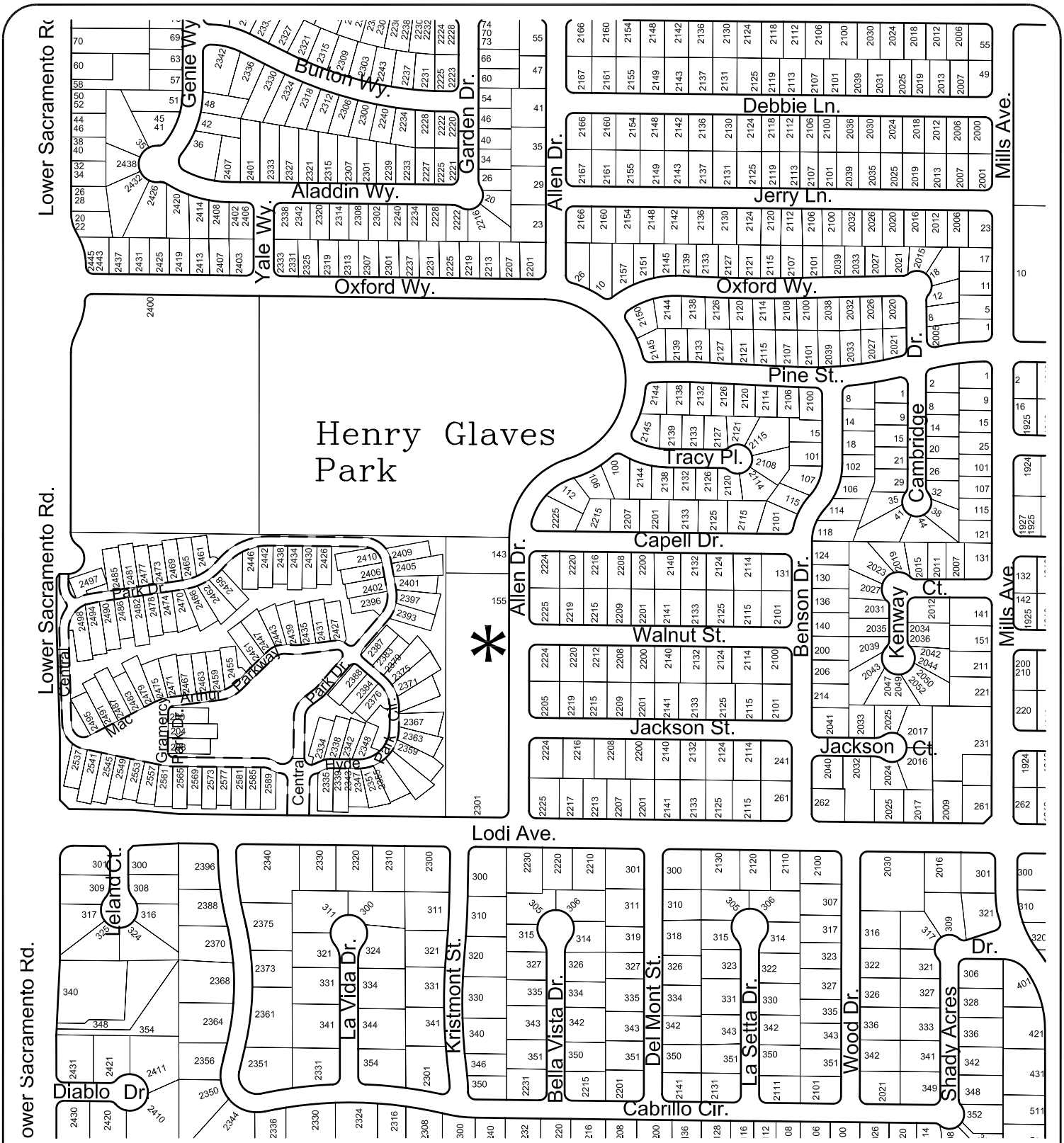
Concurred,

Randy Hatch
Community Development Director

ATTACHMENTS
1. Vicinity Map
2. Site Plans
3. Aerial photo
4. Draft Resolutions

RH/pp/dm/kc

J:\Community Development\Planning\STAFFRPT\2006\06-SP-06 appeal.doc

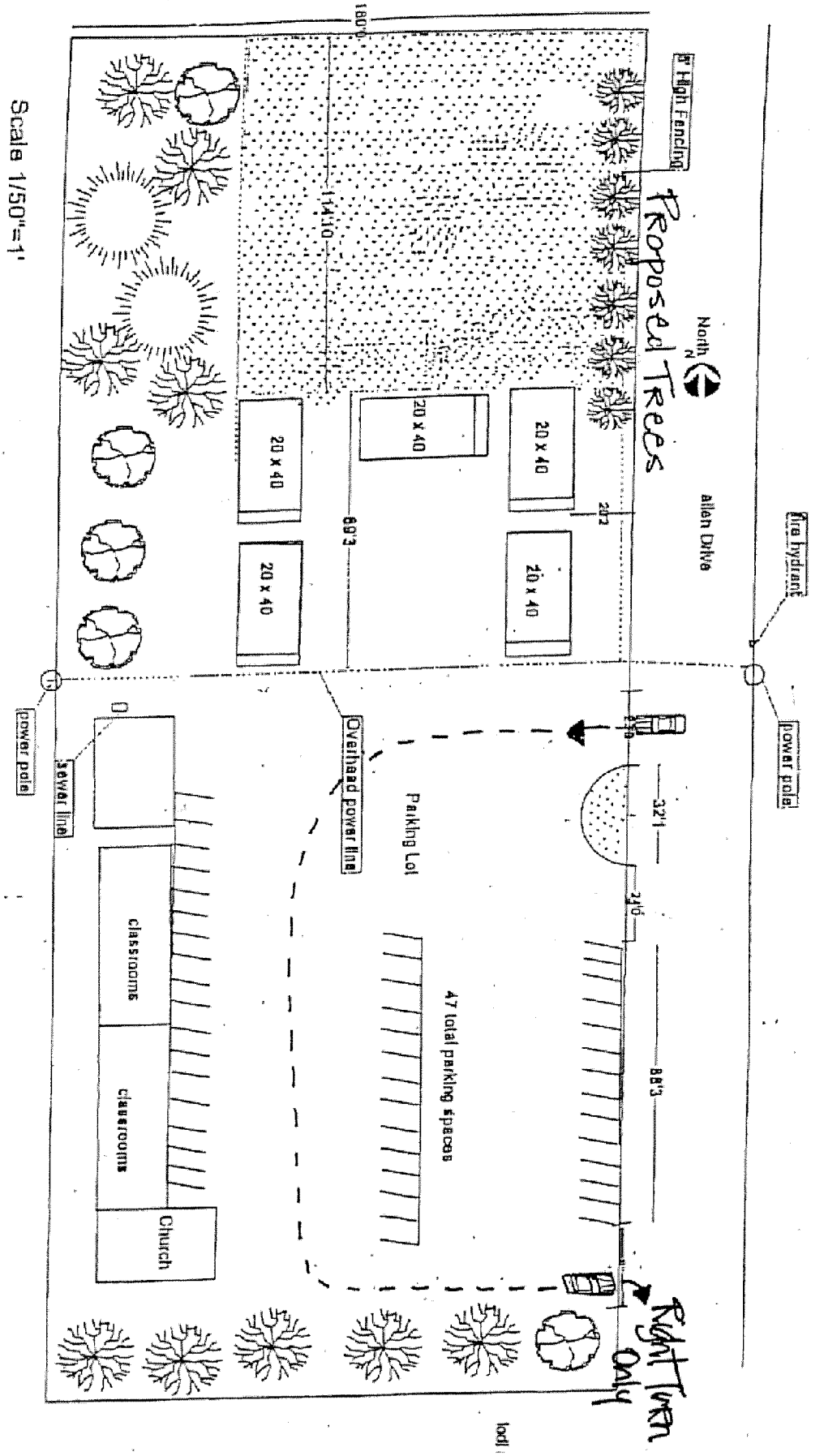


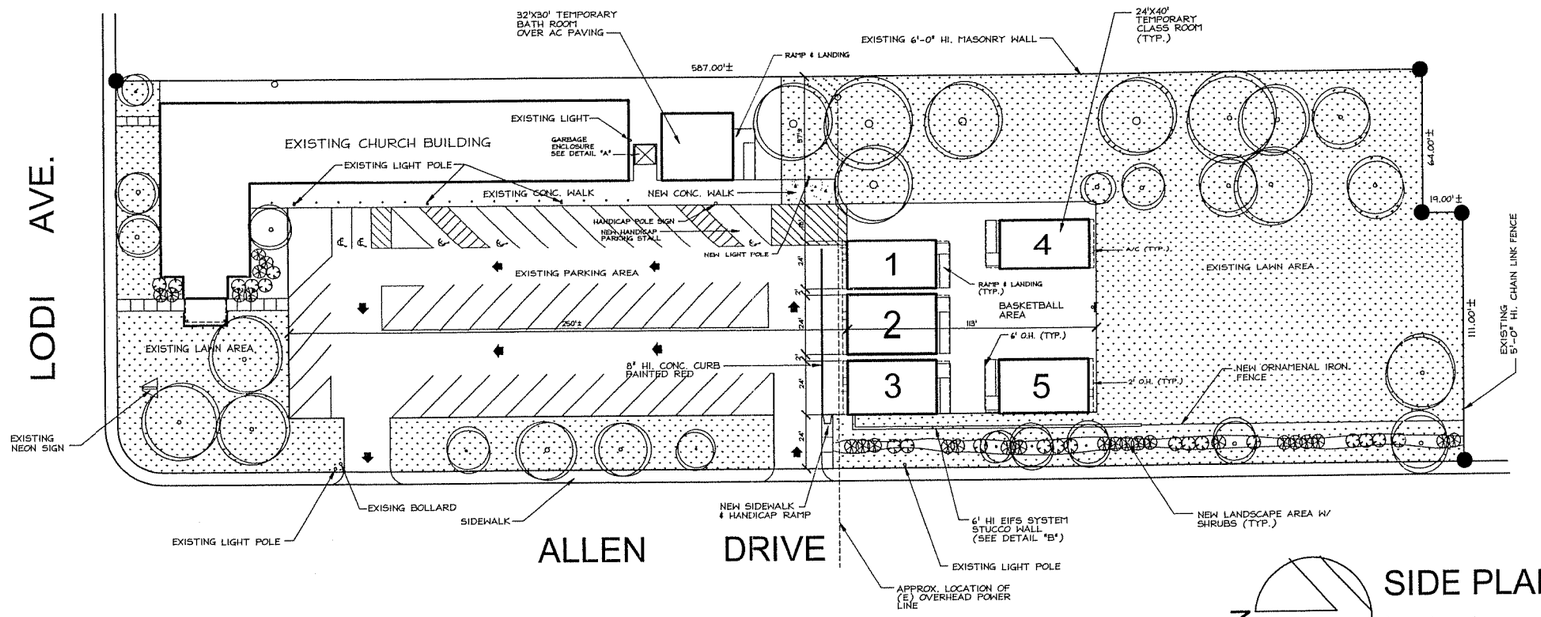
VICINITY MAP

Lodi Avenue Baptist
Use Permit for Vinewood Christian
Middle School
2301 West Lodi Avenue
Use Permit: U-05-020

Project Location
Oxford Wy
Oxford Wy
Grand Fir Dr.
Pine St.
Tracy Pl.
Cambridge
Dr.
Allen Dr
Benson Dr
Walnut St
Kenway
Ct
Jackson St
Jackson
Ct.
Boxwood Ct.
Lodi Ave
Kristmont St
Vista Dr
Del Mont St
Setta Dr
Acres
Dr

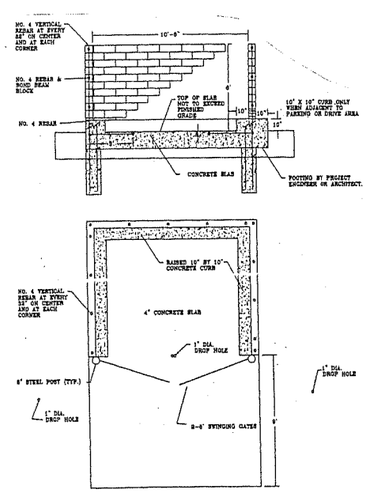
City of Lodi, Community Development, Planning Division.





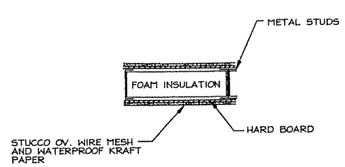
SIDE PLAN

N

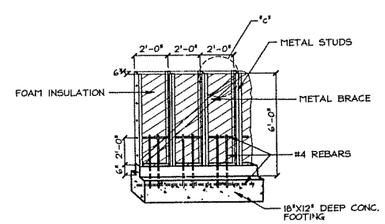


GARBAGE ENCLOSURE
DETAIL "A"

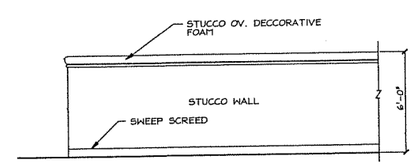
PROPOSED TEMPORARY CLASS ROOM FOR LODI AVENUE BAPTIST CHURCH



DETAIL "C"
SCALE: 3/4"=1'-0"



DETAIL "B"
SCALE: 1/4"=1'-0"



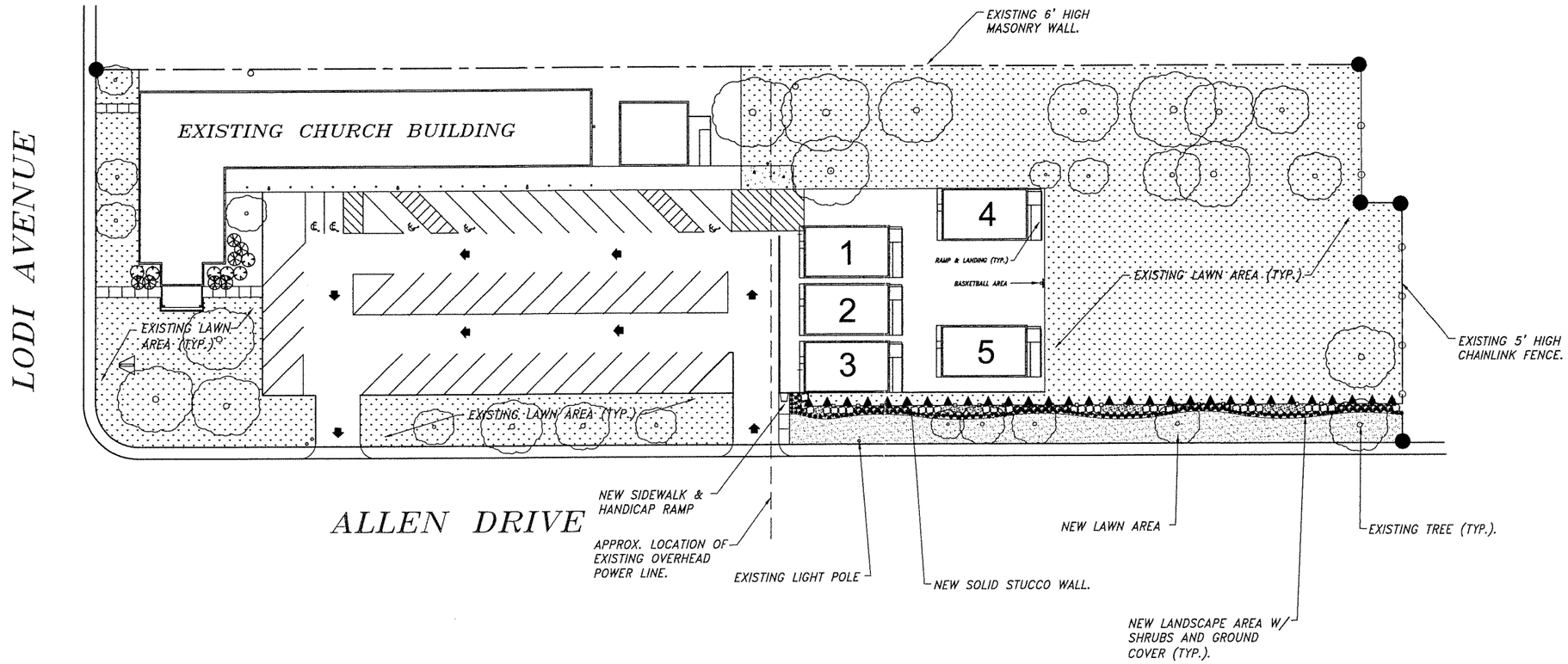
6' HI EIFS SYSTEM STUCCO WALL
SCALE: 1/4"=1'-0"

ARNAIZ COMPANIES
3400 EIGHT MILE ROAD
STOCKTON, CA 95212
(209)931-9740 FAX (209)931-9741

LODI AVENUE BAPTIST CHURCH
LOCATED AT 2301 W. LODI AVE. LODI

DESIGNER	
DR	
APPROVED	
DATE	
SHEET NO.	
OF	

6 copies 8½ x 11
+ Disk (2)



PLANT LIST

Symbol	Size	Botanical Name	Common Name	Quantity
TREES				
		Existing Tree, to remain		
SHRUBS				
	5 Gal.	Escallonia 'Fradesii'	Escallonia	28
	5 Gal.	Phormium 'Atropurpureum'	New Zealand Flax	32
	5 Gal.	Xylosma C. 'Compacta'	Xylosma	16
	1 Gal.	Hemerocallis Hybrids	Daylily	66
	1 Gal.	Verbena Peruviana	Verbena	6
	1 Gal.	Tulbaghia V. 'Silver Lace'	Society Garlic	36
GROUNDCOVERS AND ACCENTS				
		Existing Lawn		
	Sod	Dwarf Fescue	Sod Lawn	4,146 sf.
VINES				
	5 Gal.	Hedera helix	English Ivy	30

Note: Vines shall be planted on the Street side of the wall and have been shown behind wall for graphical clarity only.

LANDSCAPE PLAN

SCALE: 1" = 30'

NORTH

CALL BEFORE YOU DIG 800-227-2600 USA CITY UTILITIES PACIFIC BELL P.G.&E. CABLE TV

REGISTERED LANDSCAPE ARCHITECT
No. 4567
Joshua S. Nash
Signature
March 31, 2007
Expiration Date
Date
STATE OF CALIFORNIA

DATE:	DESCRIPTION:	BY:

ODYSSEY DESIGN GROUP, INC.
LANDSCAPE ARCHITECTURE
800 W. EIGHT MILE RD. STOCKTON, CA 95209
(209) 952-9752 (209) 367-0183 FAX
LICENSE # 4567
www.odysseylandscape.com
ODYSSEY DESIGN GROUP

SHEET TITLE: LANDSCAPE PLAN

LODI AVENUE BAPTIST CHURCH
2301 W LODI AVENUE
LODI, CA
ARNAIZ COMPANIES

DATE: 07-18-06
SCALE: 1"=30'
DRAWN: JN
REVIEWED:
SHEET L1
OF 1 SHEETS

NOT FOR CONSTRUCTION

PROPOSED TEMPORARY CLASS ROOM FOR LODI AVENUE BAPTIST CHURCH

ARNAIZ COMPANIES
3400 EIGHT MILE ROAD
STOCKTON, CA 95212
(209)931-9740 FAX (209)931-9741

LODI AVENUE BAPTIST CHURCH
LOCATED AT 2301 W. LODI AVE. LODI

DESIGNER	
DR	
APPROVED	
DATE	
SHEET NO.	
OF	

RESOLUTION NO. P.C. 06-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI DENYING THE APPEAL AND UPHOLDING THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S DECISION TO APPROVE THE SITE PLAN AND BUILDING ELEVATIONS OF VINEYARD CHRISTIAN MIDDLE SCHOOL LOCATED AT 2301 WEST LODI AVENUE AND APPROVING A SIXTH MODULAR BUILDING, TRASH ENCLOSURE, FENCE AND LANDSCAPING (FILE #06-SP-06)

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Appeal, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Vineyard Christian Middle School; and

WHEREAS, the proponent obtained a Use Permit from the Lodi Planning Commission for a private middle school on February 22, 2006; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Street; Lodi CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that would like to occupy a portion of the church property; and

WHEREAS, Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, the existing youth center building located furthest north of the existing church classroom buildings shall be replaced with a newer modular building; and

WHEREAS, all legal prerequisites to the adoption of said Resolution have occurred; and

WHEREAS, an appeal of the decision of the Planning Commission to approve the project was filed with the City Clerks office in accordance with the Lodi Municipal Code, Section 17.88.060; and

WHEREAS, the City Council denied the appeal of the Planning Commission approval of the subject property thereby reaffirming the decision of the Planning Commission of February 22, 2006; and

WHEREAS, the proponent has obtained approval of the project from the Lodi Site Plan and Architectural Review Committee (SPARC) on June 19, 2006; and

WHEREAS, an appeal of the decision of SPARC to approve the site plan, driveway and various architectural related elements of the project was filed with the

Community Development Director via the City Clerks office in accordance with the Lodi Municipal Code, Section 17.81.070; and

Based upon the evidence within the staff report and project file, the Planning Commission of the City of Lodi finds:

1. That the Lodi Site Plan and Architectural Committee acted within the scope of their authority in approving the plans of Vineyard Christian Middle School.

2. That the plans approved by SPARC were substantially consistent with the plans approved by the Planning Commission and that the changes in the site plan were made to improve the operation of the school and increase student safety.

3. That the changes made in the site plan will not create any additional significant impacts on the neighborhood.

4. The denial of this appeal will not constitute any special treatment of privilege to the Vineyard Christian Middle School.

5. That the conditions placed on the project by both the Planning Commission and the Site Plan and Architectural Review Committee will reduce or eliminate many of the issues brought forth by the public during the public hearings.

6. That the improvements made on the property including the new fencing and landscaping required for the Allen Drive frontage will enhance the overall appearance of the property.

7. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.

8. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.

9. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.

10. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.

11. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.

12. It is determined that the 40 parking spaces on site with the additional 22 to 24 spaces curbside are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT DETERMINED AND RESOLVED, that Planning Commission upholds the original approval of the Site Plan and Architectural Review Committee (file number 06-SP-06), subject to the following conditions:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.

2. All construction shall be done with proper Building Department and Fire Department approvals and permits.
3. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
4. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The approved plan must be designed with the traffic flow moving in a counter clockwise direction. The entry to the school parking lot must be located at the sites existing center driveway and the exit must be located at the southern driveway, closest to Lodi Ave. The parking lot must be re-striped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs.
5. The VCMS shall modify their school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.
6. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition 5) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.
7. The VCMS shall coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.
8. The VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.
9. That VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.
10. The VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
11. The VCMS shall provide parking for the physically disabled. The spaces shall be located as close as possible to the primary entrance.
    a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.
    b. The slope of a parking space shall not exceed ¼ inch per foot.
    c. Provide one van parking space.
12. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be

large enough to include an area for recycling containers as well as solid waste. Plans shall be submitted to the Community Development Department for approval.

13. The VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.

14. The VCMS shall construct a 6-foot high stucco wall along the east side of the school as a separator between the school grounds and Allen Drive. The wall shall run from the school entrance to the furthest northern extent of the modular buildings.

15. The classroom building shall be given additional architectural treatment. The walls of the buildings will be painted to match the church buildings field color, currently a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted to match the church's trim color, currently an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings. All paint colors shall be subject to the review and approval of the Community Development Director.

16. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

17. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.

18. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately $2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

19. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused driveway shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.

20. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.

21. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.

22. The VCMS shall obtain all required building and fire permits for any new work and shall obtain all required permits and pay established penalties for work already done without permits.

23. All conditions placed on this project must be completed prior to the classrooms being occupied for school purposes.

24. Final landscape plans and plant material shall be subject to the review and approval of the Community Development Director.

THEREFORE, based on these findings, the City Council denies both appeals and upholds the decision of the Planning Commission and the Site Plan and Architectural Review Committee approving the modified plans of Vineyard Christian Middle School for a new school at 2301 West Lodi Avenue subject to said conditions of approval.

Dated: September 6, 2006.

I hereby certify that Resolution 06-__ was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 6, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____

RESOLUTION NO. P.C. 06-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE APPEAL AND VOIDING THE APPROVAL OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S DECISION TO APPROVE THE SITE PLAN AND BUILDING ELEVATIONS OF VINEYARD CHRISTIAN MIDDLE SCHOOL LOCATED AT 2301 WEST LODI AVENUE AND APPROVING A SIXTH MODULAR BUILDING, TRASH ENCLOSURE, FENCE AND LANDSCAPING (FILE #06-SP-06)

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Appeal, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Vineyard Christian Middle School; and

WHEREAS, the proponent obtained a Use Permit from the Lodi Planning Commission for a private middle school on February 22, 2006; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Street; Lodi CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that would like to occupy a portion of the church property; and

WHEREAS, Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on their property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi ; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, the existing youth center building located furthest north of the existing church classroom buildings shall be replaced with a newer modular building; and

WHEREAS, all legal prerequisites to the adoption of said Resolution have occurred; and

WHEREAS, an appeal of the decision of the Planning Commission to approve the project was filed with the City Clerks office in accordance with the Lodi Municipal Code, Section 17.88.060; and

WHEREAS, the City Council denied the appeal of the Planning Commission approval of the subject property on April 19, 2006 thereby reaffirming the decision of the Planning Commission of February 22, 2006; and

WHEREAS, the proponent has obtained approval of the project from the Lodi Site Plan and Architectural Review Committee (SPARC) on June 19, 2006; and

WHEREAS, An appeal of the decision of SPARC to approve the Site Plan, Driveway and various architectural related elements of the project was filed with the

Community Development Director via the City Clerks office in accordance with the Lodi Municipal Code, Section 17.81.070; and

Based upon the evidence within the staff report and project file, the Planning Commission of the City of Lodi finds:

1. The changes to the site plan as approved by the Site Plan and Architectural Review Committee were not consistent with the Planning Commission approval of February 22, 2006 or the City Council reaffirmation of the Commission's approval.

2. That the changes made in the site plan which include the reorientation of the building and circulation plan will create an additional impact on the neighborhood requiring a return to the original configuration and driveway.

3. That the conditions placed on the project by the Site Plan and Architectural Review Committee will not reduce or eliminate many of the issues brought forth by the public during the public hearings regarding the changed site plan.

4. That improvements made on the property including the new fencing and landscaping required for the Allen Drive frontage will enhance the overall appearance of the property.

5. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.

6. It is determined that the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.

7. It is determined that the church property has sufficient available space to accommodate the five modular school buildings and a playground area.

8. It is determined that because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.

9. It is determined that the school can operate at this location without creating an adverse impact on the surrounding neighborhood.

10. It is determined that the 47 parking spaces on site with the additional 22 to 24 spaces curbside are expected to be adequate for both the school and church.

NOW THEREFORE, BE IT DETERMINED AND RESOLVED, that the Planning Commission denies the approval of the Site Plan and Architectural Review Committee of the changes to the site plan and thereby upholds the appeal subject to the following conditions:

1. All approvals shall revert back to the original approvals set forth by the Planning Commission on February 22, 2006 and subsequent City Council reaffirmation of said approval on April 19, 2006. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.

2. All construction shall be done with proper Building Department and Fire Department approvals and permits.

3. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.
4. The Vineyard Christian Middle School (VCMS) shall modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plan. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance" and the south driveway shall be signed "School Exit", "Right Turn Only". Additional pavement directional arrows maybe required and the parking stalls realigned to match the direction of traffic flow.
5. The VCMS shall modify their school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.
6. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition 5) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.
7. The VCMS coordinate their schedule for activities with the Lodi Ave. Baptist Church to minimize scheduling conflicts.
8. The VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. The School shall provide the family of each student a copy of the document and have them agree to adhere to the requirements.
9. That VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor will make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.
10. The VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.
11. Provide parking for the physically disabled. The spaces shall be located as close as possible to the primary entrance.
    a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.
    b. The slope of a parking space shall not exceed ¼ inch per foot.
    c. Provide one van parking space.
12. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. Plans shall be submitted to the Community Development Department for approval.
13. VCMS shall provide an adequate number of garbage receptacles placed around the campus. The School shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. The School shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.

14. The VCMS shall construct a 6-foot high stucco wall along the east side of the school as a separator between the school grounds and Allen Drive. The wall shall run from the school entrance to the furthest northern extent of the modular buildings.

15. The classroom building shall be given additional architectural treatment. The walls of the buildings will be painted to match the church buildings field color, currently a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted to match the church's trim color, currently an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings. All paint colors shall be subject to the review and approval of the Community Development Director.

16. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

17. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.

18. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately $2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

19. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused driveway shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.

20. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.

21. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed

buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.

22. The VCMS shall obtain all required building and fire permits for any new work and shall obtain all required permits and pay established penalties for work already done without permits.

23. Final landscape plans and plant material shall be subject to the review and approval of the Community Development Director.

THEREFORE, based on these findings, the Planning Commission denies the decision of the Site Plan and Architectural Review Committee thereby reverting all approvals back to the original approvals set forth by the Planning Commission on February 26, 2008 and subsequent City Council reaffirmation of said approval on April 19, 2006 subject to the attached modifications and conditions of approval.

Dated: July 26, 2006.

I hereby certify that Resolution 06-26 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on July 26, 2006, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT Commissioners:

ABSTAIN: Commissioners:

ATTEST:

_____

Randy,
FYI

RECEIVED
JUL 10 2006
City Clerk
City of Lodi

July 6, 2006

Honorable Mayor Hitchcock,

This letter is an expression of concern about the Vineyard Christian Middle School that is being constructed in our neighborhood. Our address is 2133 Jackson Street and we have lived here since 1974.

On Wednesday July 5th we arrived home after a 7 day vacation away from Lodi, turning the corner we were appalled at the site of the portables located on the property of Lodi Avenue Baptist Church. We immediately recognized that the building were not configured on the property as was discussed at the Planning Commission Meeting that we attended. That was not the only difference that we noted at the time, the entrance to the school has been changed which creates a terrible safety hazard with the "T" traffic pattern the new entrance has presented.

After talking with a member of the Planning Commission we also discovered that the construction has begun without Building Permits required by the City. How can this happen especially when we know that young children will be occupying these buildings? Suppose that there was a fire or the portables were not properly put on foundations, or that the electrical conduits under the new blacktop was not done properly, what kind of problem would the City have at that time?

There is also the problem of the sound barrier wall that was promised, I rest assured that a wrought iron fence is not a solution to sound.

This project is not at all what we as neighbors were promised, we find the whole project unsafe for the students and unlawful as far as City Code.

We were also told that the portables that would be brought in would be fairly new, well portables are old at the age of 20 and my investigation shows that these portables are close to the age of 14, that is not fairly new!

My husband and I would like a reply to each of these concerns, we Mayor Hitchcock live in this neighborhood and have to live with decisions that you and other City Officials make in our name, please make good choices for us and the children of this school.

Sincerely,

Donald and Mary Colbert

Don & Mary Colbert

Steve and Diane Johnson
2216 Jackson St.
Lodi, CA 95242

RECEIVED
JUL 2 [illegible]
COMMUNITY DEVELOPMENT DEPT
CITY OF LODI

Community Development Director
P.O. Box 3006
Lodi, CA 95241-1910

To the attention of Randy Hatch, July 21, 2006

My husband and I bought our house at 2216 Jackson Street in March of this year. We were notified that Vineyard Christian Middle School would be using the church sight during the escrow process. We would like our views to be known.

Our family wholeheartedly supports the school and would be happy to have them in our neighborhood. It saddens and embarrasses us that our neighbors have been so difficult during this entire process.

Please consider this viewpoint when listening to the appeal of the SPARC approval for the Vineyard Christian Middle School. Not all of the neighbors that live around Lodi First Baptist Church have a negative view of the school going in. You have our support and we hope that you uphold your original decision to allow the school to utilize this space.

Sincerely,

Steve Johnson Diane Johnson

July 22, 2006

RECEIVED
JUL 25 2006
COMMUNITY DEVELOPMENT DE
CITY OF LODI

Mr. Randy Hatch
Community Development Director
P.O. Box 3006
Lodi, CA 95241-1910

Dear Mr. Hatch,

I expressed my concerns to you several months ago via e-mail regarding the relocation of Vineyard Christian Middle School to the Lodi Avenue Baptist Church Site. My concerns at the time were increased traffic and an unsafe environment for the surrounding neighborhood, which the original Use Permit has tried to alleviate. While I still feel there are issues which need to be addressed regarding traffic, (perhaps an additional Stop Sign at Oxford and Allen), the fact that VCMS is not abiding by rules and regulations is even more of a concern.

I live in the neighborhood and drive by the site every day. What they are doing is creating a blight to the neighborhood. Although I was not pleased at the relocation due to traffic concerns, I am even more upset that the design/layout of the property has been changed to be disadvantageous for the neighborhood.

After reading information in the Lodi News Sentinel and Stockton Record, I am led to believe that VCMS was assuming that once they had started, the Planning Commission would just say "Oh, that was a bad thing to do, but go ahead and finish since you have done so much work already". Please do not let them get away with nothing more than a delay and "a slap on the wrist".

I urge the Lodi City Council and the Lodi Planning Commission to hold VCMS accountable to the plans that were approved. Why should they be exempt from following guidelines that are set with a great deal of thought? Along with my fellow neighbors, I am asking the Planning Commission to enforce the original Use Permit conditions and require VCMS to put the portables back to the original configuration of a horseshoe design, use the far north driveway, and construct a block sound wall with landscaping to help detract from the unsightly buildings and noise.

I thank you for your time in considering this matter.

With Concern,

Brenda Colla

Brenda Colla
23 N. Allen Dr.
Lodi, CA 95242

Cc: Lodi City Council

RESOLUTION NO. 2006-____

A RESOLUTION OF THE LODI CITY COUNCIL DENYING BOTH APPEALS AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S APPROVAL OF THE MODIFIED SITE PLAN AND BUILDING ELEVATIONS OF VINEYARD CHRISTIAN MIDDLE SCHOOL LOCATED AT 2301 WEST LODI AVENUE AND APPROVING A SIXTH MODULAR BUILDING, TRASH ENCLOSURE, FENCE AND LANDSCAPING (FILE #06-SP-06)

==========

WHEREAS, the City Council of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Appeals, in accordance with the Lodi Municipal Code, Section 17.72.070; and

WHEREAS, the project proponent is Vineyard Christian Middle School; and

WHEREAS, the proponent obtained a Use Permit from the Lodi Planning Commission for a private middle school on February 22, 2006; and

WHEREAS, the property is zoned R-1, residential single-family; and

WHEREAS, the property is located at 2301 West Lodi Street; Lodi CA (APN 029-130-31); and

WHEREAS, the property currently is occupied by Lodi Avenue Baptist Church and contains church buildings and a church parsonage; and

WHEREAS, Vineyard Christian Middle School is a private 6th, 7th and 8th grade middle school with an enrollment of up to 84 students, that proposes to occupy a portion of the church property; and

WHEREAS, Vineyard Christian Middle School (VCMS) is not directly affiliated with the Lodi Avenue Baptist Church and will only be leasing space on church property; and

WHEREAS, schools are permitted in R-1, residential single-family zones, subject to securing a Use Permit in accordance with Section 17.09.030 of the City of Lodi Municipal Code; and

WHEREAS, there is sufficient unused land on the church property to accommodate the proposed school without adversely affecting the current church operations; and

WHEREAS, the existing youth center building located furthest north of the existing church classroom buildings shall be replaced with a newer modular building; and

WHEREAS, all legal prerequisites to the adoption of said Resolution have occurred; and

WHEREAS, the Planning Commission approved a Use Permit for the VCMS on February 22, 2006, said Use Permit was appealed and the City Council denied the appeal of the

Planning Commission approval of the use permit thereby reaffirming the decision of the Planning Commission granting the Use Permit; and

WHEREAS, the proponent obtained approval from the Lodi Site Plan and Architectural Review Committee (SPARC) on June 19, 2006 to certain modifications of the use permit; and

WHEREAS, an appeal of the decision of SPARC to approve the Site Plan, driveway and various architectural related elements of the project was filed with the Community Development Director via the City Clerks office in accordance with the Lodi Municipal Code, Section 17.81.070; and

WHEREAS, the Planning Commission heard the appeal on July 26, 2006 and denied the appeal, confirming the actions of SPARC, adding 5 additional conditions; and

WHEREAS, two appeals of the decision of the Planning Commission to approve a revised site plan, driveway and various architectural related elements of the project were filed with the City Clerk's office in accordance with Municipal Code, Section 17.81.070; and

WHEREAS, based upon the evidence within the staff report and project file, the City Council of the City of Lodi hereby finds as follows:

1. That the Lodi Planning Commission and the Lodi Site Plan and Architectural Committee acted within the scope of their authority in approving the plans of Vineyard Christian Middle School.

2. That the plans approved by SPARC were substantially consistent with the plans approved by the Planning Commission which were endorsed by the City Council and that the changes in the site plan were made to improve the operation of the school and increase student safety.

3. That the changes made in the site plan will not create any additional significant impacts on the neighborhood.

4. The denial of this appeal will not constitute any special treatment of privilege to the Vineyard Christian Middle School.

5. That the conditions placed on the project by both the Planning Commission and the Site Plan and Architectural Review Committee will reduce or eliminate many of the issues brought forth by the public during the public hearings.

6. That the improvements made on the property including the new fencing and landscaping required for the Allen Drive frontage will enhance the overall appearance of the property.

7. The project is categorically exempt according to the California Environmental Quality Act, §15332, Class 32 (In-fill Development Projects). The project is located in an area that is fully developed and served by public utilities; is less than 5-acres in size; the property has no natural habitat and no significant environmental impacts are anticipated and no mitigation measures have been required.

8. That the proposed school is a permitted use in a residential single-family zone subject to securing a Use Permit.

9. That the church property has sufficient available space to accommodate the five modular school buildings and a playground area.

10. That because the church and the school have different schedules for the use of the property, the two uses will be compatible and will be able to share the property.

11. That the school can operate at this location without creating an adverse impact on the surrounding neighborhood.

12. That the 40 parking spaces on site with the additional 22 to 24 spaces curbside are expected to be adequate for both the school and church.

NOW, THEREFORE, BE IT DETERMINED AND RESOLVED, that the City Council upholds the original approval of the Site Plan and Architectural Review Committee and the added conditions of the Planning Commission (file number 06-SP-06), subject to the following conditions:

1. The Building Owner shall submit appropriate plans to the Community Development Department for plan check and building permit.

2. All construction shall be done with proper Building Department and Fire Department approvals and permits.

3. The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church the City reserves the right to revisit parking needs and may require additional parking conditions.

4. The parking and driveway dimensions must comply with City parking design standards. (Public Works Standard Plan #134). The approved onsite traffic circulation plan must be designed with the traffic flow moving in a counter clockwise direction. Both the entry and the exit to the school parking lot must be located at the southern driveway, closest to Lodi Ave. A temporary barrier must be placed across the center driveway to close this driveway during school hours. The parking lot must be re-striped to reflect the change in the traffic flow direction. The driveways must have appropriate directional signs. This circulation and parking plan must be analyzed and approved by the Public Works Department. If this plan is not feasible, the Planning Commission will re-visit the issue.

5. VCMS shall modify school hours so they will not directly conflict with the hours of St. Peters Lutheran School. The hours can be earlier or later, which ever works better for the school. The time difference shall be at least 10 minutes.

6. The regular school hours shall be Monday through Friday approximately 8:30 am to 3:10 pm (or modified per condition 5) with some allowance for additional time for special school events. No outdoor competitive sport events other than those associated with physical education or normal school activities shall be held on-site.

7. VCMS shall coordinate its schedule of activities with Lodi Avenue Baptist Church to minimize scheduling conflicts.

8. VCMS shall prepare "Parking Lot Instructions" which shall be subject to review and approval by the Community Development Director. VCMS shall provide the family of each student a copy of the document and obtain their agreement to adhere to the requirements.

9. VCMS shall have an adult monitor the drop-off and pick-up periods each school day. The monitor shall make sure that the traffic flows smoothly and safely by assisting parents and making sure that the "Parking Lot Instructions" are followed. The monitor shall also make sure that there is no unnecessary use of car horns or excessively loud car stereos.

10. VCMS shall provide the neighbors with the name and telephone number of a school contact so that they can contact this person if there are any questions or problems related to the neighborhood that arise once the school is in operation at this location.

11. VCMS shall provide parking for the physically disabled. The parking spaces shall be located as close as possible to the primary entrance of the school; and

    a. Provide identification signs for the parking spaces including the "Tow away" sign at each entrance or visible from each space.

    b. The slope of a parking space shall not exceed ¼ inch per foot.

    c. Provide one van parking space.

12. A refuse enclosure that complies with City standards shall be constructed. Plans for the enclosure shall show dimensions and building materials and the enclosure shall be large enough to include an area for recycling containers as well as solid waste. Plans shall be submitted to the Community Development Department for approval.

13. VCMS shall provide an adequate number of garbage receptacles placed around the school campus. VCMS shall monitor the litter problem, particularly during the lunch period to assure that litter is placed in the containers. VCMS shall also clean up any loose litter to prevent it from blowing onto neighboring properties or the street.

14. VCMS shall construct a 6-foot high fence along the entire Allen Street frontage of the school. The portion of the fence adjacent to the school buildings shall be a 6-foot high solid masonry fence. The masonry fence shall extend across the entire frontage of the school buildings, creating a visual screen between the buildings

and Allen Drive. The remaining portion of the fence, extending from the north end of the masonry fence to the north property line of the school grounds shall be a 6-foot tall painted steel-tube fence with masonry pilasters every 16-feet on center. The area on the Allen Drive side of the fence shall be planted with climbing vines and other types of landscaping to further screen the property. All fencing, landscaping designs and plant material shall be subject to review and approval by the Community Development Director.

15. A detailed landscape plan shall be submitted to the Community Development Department for approval. The plan must provide for new landscaping along the Allen Drive frontage. The landscaping shall include a 24" to 30" high mounding feature along this frontage. The mound shall be planted with ground cover, shrubs and trees to provide a landscaped screening effect along the street. The landscape Plan and plant material shall be subject to review and approval by the Community Development Director.

16. The classroom buildings shall be given additional architectural treatment. The walls of the buildings will be painted to match the church buildings field color, currently a "Driftwood Dune" color. The trim around all the windows, doors and roofs shall all be painted to match the church's trim color, currently an "Oregon Trail" paint color to provide some contrasting color to the classrooms. The applicant should also consider additional treatment that could improve the exterior appearance of the buildings. All paint colors shall be subject to the review and approval of the Community Development Director.

17. The air conditioner units on the ends of the modular buildings shall be covered with a screen wall as shown on the architectural elevations submitted to the City. The walls shall be designed to visually screen the air-conditioners from Allen Drive and to provide some noise attenuation. The area adjacent to the screen shall be landscaped with climbing vines or other landscaping to provide further visual screening. The design of the screen wall, landscaping plan and plant material shall be subject to the review and approval of the Community Development Director.

18. Enhanced landscaping shall be installed in the planter area south of the school buildings between the two driveways to the parking area. The landscaping plan and plant material shall be subject to the review and approval of the Community Development Director.

19. Payment of Development Impact Mitigation Fees is required at building permit issuance. The fees represent the additional impact placed on City facilities by the use of the site for school purposes. Public Works staff estimates that the fees will be $58,301.04. The fees are based on information provided by Vineyard Christian Middle School and contained in the SPARC application and represent 84 students, 5 full time equivalent (FTE) employees, a building area of 4,800 square feet and a building pad area of 14,000 square feet. <u>This is only an estimate. The actual fees to be paid will be based on the plans submitted for the issuance of a building permit for the project and the impact fee schedule in effect at the time of issuance of the building permit.</u> A change in the fees is anticipated in the near future.

20. Installation of traffic signs and markings for the school zone in conformance with the Manual of Uniform Traffic Control (MUTC) will be required as a condition of approval for the building permit for the project. A layout prepared by City staff showing the locations of the required signs and markings is available. The work shall be completed by the owner's contractor under the terms of an encroachment permit issued by the Public Works Department prior to commencement of the work. The work must be completed prior to final inspection for the building permit or commencement of classes, whichever occurs first. All work shall be done in conformance with City standards and specifications.

21. The applicant may elect to have the traffic signs and markings done by City crews at the applicant's expense or by the applicant's contractor. If the work is done by City crews, the estimated cost would be approximately $2,856.00 (cost estimate available) which will be collected at the time of issuance of the building permit. If the work is done by the applicant's contractor, the contractor shall obtain an encroachment permit from the Public Works Department prior to the commencement of work. All work shall be done in conformance with City standards and specifications.

22. Any new driveways shall be commercial driveways conforming to Standard Plan 111. The unused driveway shall be removed and replaced with curb, gutter and sidewalk in conformance with City standards. An encroachment permit issued by the Public Works Department is required for all work in the public right-of-way.

23. Construction and storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003.

24. The location of the over-head electric power line shown on the site plan will need to be confirmed by the City. If the actual location of the line conflicts with any proposed buildings or with Electric Utility Department standards, the line may need to be relocated with the relocation cost paid by the applicant.

25. VCMS shall obtain all required building and fire permits for any new work and shall obtain all required permits and pay established penalties for work already done without permits.

26. The conditions imposed by the Planning Commission and SPARC as set forth hereinabove shall be installed and completed prior to the classrooms being occupied by students for school purposes.

BE IT FURTHER RESOLVED, based on these findings, the City Council denies both appeals and upholds the decision of the Planning Commission and the Site Plan and Architectural Review Committee approving the modified plans of Vineyard Christian Middle School for a new school at 2301 West Lodi Avenue subject to said conditions of approval.

Dated: September 6, 2006

==========

I hereby certify that Resolution No. 2006-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

_____
JANICE D. MAGDICH
Deputy City Attorney

2006-____

CITY COUNCIL
SUSAN HITCHCOCK,
Mayor
BOB JOHNSON,
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
JOANNE MOUNCE

CITY OF LODI

BLAIR KING,
City Manager

JENNIFER M. PERRIN,
Interim City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807 / www.lodi.gov

MAILED CERTIFIED MAIL
AND REGULAR U.S. POSTAL DELIVERY

August 17, 2006

David Johnson
2200 Jackson Street
Lodi, CA 95242

RE: NOTICE OF CITY COUNCIL PUBLIC HEARING – September 6, 2006

This letter is to notify you that a public hearing will be held by the City Council on **Wednesday, September 6, 2006, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal of the Planning Commission's decision on July 26, 2006, regarding site and architectural plan approval for the Vineyard Christian Middle School, located at 2301 West Lodi Avenue (Appellants: Vineyard Christian Middle School and David Johnson et al., regarding File# 06-SP-06).

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. *NOTE: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact my office or Community Development Director, Randy Hatch, at (209) 333-6711.

Sincerely,

Jennifer M. Perrin
Interim City Clerk

JMP

cc: Community Development Director

procedures/APPEAL PC NOTICE PH LTR2006.doc

APPEAL TO CITY OF LODI SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE'S (SPARC's) AND PLANNING COMMISSION CHANGES TO USE PERMIT APPLICATION #U-05-020 FOR LODI AVENUE BAPTIST CHURCH TO ALLOW VINEYARD CHRISTIAN MIDDLE SCHOOL TO LOCATE ON CHURCH PROPERTY AT 2301 WEST LODI AVENUE

The Lodi Planning Commission and the Lodi City Council approved Use Permit Application No. U-05-020 for Lodi Avenue Baptist Church to allow Vineyard Christian Middle School to locate on church property at 2301 West Lodi Avenue subject to a number of conditions. At SPARC's June 19th meeting VCMS presented changes which are in direct violation of three (3) of the sixteen (16) conditions.

VIOLATIONS OF USE PERMIT:

Condition B: "All construction is done with proper Building Department and Fire Department approvals and permits."

1) Construction has started. According to both Randy Hatch, Community Development Director, and Richard Prima, Director of Public Works, no Building Department and/or Fire Department approvals and permits have been issued.

2) Why didn't the Project Manager pull permits before the work began? He also should have submitted changes to the use permit in an addendum so that they could have been reviewed by the Building Department and the Planning Commission. This is what is required for all members of the community. The Project Manager directed work to start on the project prior to obtaining building permits.

Condition C: "The parking layout will be reconfigured to accommodate the school buildings and to maximize the number of parking spaces on the site. If parking problems develop for either the school or church, the City reserves the right to revisit parking needs and may require additional parking conditions."

1) SPARC directed the redesign of the parking lot including traffic flow, signing, and restriping. The City's requirement for Lodi Avenue Baptist Church is 75 parking spaces. This was reduced to 40 spaces which does not accommodate church activities. Will the redesign of the parking lot which was adopted by the Planning Commission cause loss of anymore parking spaces?

2) In the February 8, 2006, City of Lodi Planning Commission Staff Report, Mr. Morimoto, Senior Planner, said that "There is not a requirement for the amount of grass area that a school has to have. It would be possible to push the modulars back further onto the grass area to allow more parking if necessary.

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2006 AUG -9 PM 3:38
CITY CLERK
CITY OF LODI

Condition D: "The Vineyard Christian Middle School (VCMS) **shall** modify the existing parking lot, including driveways to accommodate the traffic ingress and egress plans shown on Exhibit A. This will require the closure of the center driveway and new signing at the two remaining driveways. The northern driveway shall be signed "School Entrance," and the south driveway shall be signed "School Exit, Right Turn Only." Additional pavement directional arrows may be required and the parking stalls realigned to match the direction of traffic flow."

1) The northern driveway was chosen for traffic ingress to mitigate potential traffic problems and "to increase vehicle stacking room on site. By allowing vehicles to maneuver in the parking lot there is less chance of vehicles having to wait on Allen Drive before entering the property. This will further limit the distance vehicles need to travel on Allen Drive. This will also spread the vehicles over two more widely separated driveways instead of concentrating them at the center of the property." (Planning Commission Minutes of February 22, 2006)

2) Prior to the SPARC meeting of June 19, 2006, VCMS changed the layout of their portables. This change dictated that the northern driveway be abolished and the center driveway be used to accommodate traffic ingress. Also prior to the SPARC meeting and approval, VCMS bulldozed the northern driveway in direct violation of condition **D** as stated above.

    a) We have been told by both Randy Hatch and Richard Prima that using the center driveway for traffic ingress is a safety issue as it creates an intersection at Allen Drive and Jackson Street. The safety issue is augmented by the fact that it is not an exact intersection but slightly offset. Traffic will be entering the center driveway from three directions at the same time: West on Jackson Street and North and South on Allen. The Planning Commission has very valid concerns about the dangerous traffic flow pattern created by using the center driveway for ingress.

Although not listed as specific conditions in the use permit, we would like the City Council to review the following issue:

1. Portables

    a. These portables were built in 1990. What is the remaining life expectancy of these portables? If the permanent school is not built in a timely manner, these portables may outlive their life expectancy. A time limit requirement should be placed on the portables at this site.

During the SPARC meeting on June 19, 2006, Bob Peterson requested the changes already put in place that are in violation of the use permit go back to the Planning Commission or the City Council. His request was denied. Randy Hatch stated that the changes were within the scope of the authority of SPARC. We are concerned that SPARC overruled the City Council and Planning Commission by approving a new project design. We would like to know what SPARC's authority is and what their limitations are. We would also like SPARC to know and understand what their authority and limits are.

During the April 19, 2006 City Council Meeting, Council Member Hansen stated that he "had confidence in the conditional use process" and noted that it could be revoked if promises and conditions were not adhered to. We request the issues listed above be reviewed by the City Council before any further work is done by VCMS at the 2301 West Lodi Avenue property.

David Johnson, 2200 Jackson St. Lodi, CA 95242
(209) 369-9108

Date 8/9/06

Dean Walker, 2207 Capell Drive. Lodi, CA 95242
(209) 333-8260

Date 8/6/06

Mary Colbert, 2133 Jackson St. Lodi, Ca. 95242
(209) 369-1102

Date 8/6/06

Linda Reichert, 2219 W. Walnut St. Lodi, Ca. 95242
(209) 334-4602

Date 8-6-06

CITY COUNCIL
SUSAN HITCHCOCK,
Mayor
BOB JOHNSON,
Mayor Pro Tempore
JOHN BECKMAN
LARRY D. HANSEN
JOANNE MOUNCE

CITY OF LODI

BLAIR KING,
City Manager

JENNIFER M. PERRIN,
Interim City Clerk

D. STEPHEN SCHWABAUER,
City Attorney

CITY HALL, 221 WEST PINE STREET / P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702 / FAX (209) 333-6807 / www.lodi.gov

MAILED CERTIFIED MAIL
AND REGULAR U.S. POSTAL DELIVERY

August 17, 2006

Craig Cawelti
VCMS Board of Directors
18850 Jordan Lane
Woodbridge, CA 95258

RE: NOTICE OF CITY COUNCIL PUBLIC HEARING – September 6, 2006

This letter is to notify you that a public hearing will be held by the City Council on **Wednesday, September 6, 2006, at 7:00 p.m.**, or as soon thereafter as the matter can be heard, at the Carnegie Forum, 305 W. Pine Street, Lodi.

This hearing is being held to consider your appeal of the Planning Commission's decision on July 26, 2006, regarding site and architectural plan approval for the Vineyard Christian Middle School, located at 2301 West Lodi Avenue (Appellants: Vineyard Christian Middle School and David Johnson et al., regarding File# 06-SP-06).

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to, the public hearing. *NOTE: Written correspondence for the City Council may be mailed in c/o the City Clerk's Office, P.O. Box 3006, Lodi, CA 95241-1910, or delivered to the City Clerk at 221 West Pine Street, Lodi, California.*

Should you have any questions, please contact my office or Community Development Director, Randy Hatch, at (209) 333-6711.

Sincerely,

Jennifer M. Perrin
Interim City Clerk

JMP

cc: Community Development Director

procedures/APPEAL PC NOTICE PH LTR2006.doc

RECEIVED

2006 JUL 27 AM 8:29

CITY CLERK
CITY OF LODI

July 27, 2006

On July 26th the City of Lodi Planning Commission approved the LABC and Vineyard Christian Middle Schools application for a use permit. There were numerous conditions place on the permit. We agree with all the conditions the Planning Commission placed upon the permit. Although, we would like to appeal the decision not to allow the applicant 60 days to complete the condition of the block wall and landscaping starting from the day of final approval to occupy begins. We need to open school as soon as possible and this would help us with the moving the project forward.

Respectfully submitted,

CRAIG CANELTI

Vineyard Christian Middle School Board of Directors

X CC	___HR
X CM	___IS
X CA	___LIB
X CD	___PR
___EUD	___PD
___FIN	___PW
___FD	___COM

Please immediately confirm receipt of this fax by calling 333-6702

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

NOTICE OF PUBLIC HEARING ON SEPTEMBER 6, 2006, TWO APPEALS OF THE PLANNING COMMISSION'S SITE AND ARCHITECTURAL PLAN APPROVAL FOR THE VINEYARD CHRISTIAN MIDDLE SCHOOL AT 2301 WEST LODI AVENUE. (APPELLANTS: VINEYARD CHRISTIAN MIDDLE SCHOOL AND DAVID JOHNSON, ET AL. REGARDING FILE #06-SP-06).

LEGAL AD

PUBLISH DATE: **SATURDAY, AUGUST 18, 2006**

TEAR SHEETS WANTED: **Three (3) please**

SEND AFFIDAVIT AND BILL TO: JENNIFER M. PERRIN, INTERIM CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, AUGUST 17, 2006

ORDERED BY: JENNIFER M. PERRIN
INTERIM CITY CLERK

JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

Faxed to the Sentinel at 369-1084 at 2:45 pm (time) on 8/17/06 (date) 2 (pages)
LNS DIANE Phoned to confirm receipt of all pages at 3:54 (time) JLT DRC JMP (initials)

forms\advins.doc

CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING
Date: September 6, 2006
Time: 7:00 p.m.

For information regarding this notice please contact:
Jennifer M. Perrin
Interim City Clerk
Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, September 6, 2006** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) two appeals of the Planning Commission's site and architectural plan approval for the Vineyard Christian Middle School at 2301 West Lodi Avenue. (Appellants: Vineyard Christian Middle School and David Johnson, et al. File #06-SP-06).

Information regarding this item may be obtained in the Community Development Department, 221 West Pine Street, Lodi, (209) 333-6711. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk, City Hall, 221 W. Pine Street, 2nd Floor, Lodi, 95240 at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Jennifer M. Perrin
Interim City Clerk

Dated: August 16, 2006

Approved as to form:

D. Stephen Schwabauer
City Attorney

DECLARATION OF POSTING

NOTICE OF PUBLIC HEARING ON SEPTEMBER 6, 2006, TWO APPEALS OF THE PLANNING COMMISSION'S SITE AND ARCHITECTURAL PLAN APPROVAL FOR THE VINEYARD CHRISTIAN MIDDLE SCHOOL AT 2301 WEST LODI AVENUE. (APPELLANTS: VINEYARD CHRISTIAN MIDDLE SCHOOL AND DAVID JOHNSON, ET AL. REGARDING FILE #06-SP-06).

On Friday, August 18, 2006, in the City of Lodi, San Joaquin County, California, Notice of Public Hearing on September 6, 2006, two appeals of the Planning Commission's site and architectural plan approval for the Vineyard Christian Middle School at 2301 West Lodi Avenue. (Appellants: Vineyard Christian Middle School and David Johnson, et al. File # 06-SP-06), was posted at the following locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 18, 2006, at Lodi, California.

ORDERED BY:

JENNIFER M. PERRIN
INTERIM CITY CLERK

JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

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DECLARATION OF MAILING

NOTICE OF PUBLICE HEARING ON SEPTEMBER 6, 2006, TWO APPEALS OF THE PLANNING COMMISSION'S SITE AND ARCHITECTURAL PLAN APPROVAL FOR THE VINEYARD CHRISTIAN MIDDLE SCHOOL AT 2301 WEST LODI AVENUE. (APPELLANTS: VINEYARD CHRISTIAN MIDDLE SCHOOL AND DAVID JOHNSON, ET AL. REGARDING FILE #06-SP-06).

On August 18, 2006, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Public Hearing for two appeals of the Planning Commission's site and architectural plan approval for the Vineyard Christian Middle School at 2301 West Lodi Avenue. (Appellants: Vineyard Christian Middle School and David Johnson, et al. File # 06-SP-06), was posted at the following locations:

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 18, 2006, at Lodi, California.

ORDERED BY:

JENNIFER M. PERRIN
INTERIM CITY CLERK, CITY OF LODI

ORDERED BY:

JENNIFER M. PERRIN, CMC
INTERIM CITY CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

DANA R. CHAPMAN
ADMINISTRATIVE CLERK

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OWNER OF RECORD
2320 W LODI AVE
LODI, CA 95242

OWNER OF RECORD
2300 W LODI AVE
LODI, CA 95242

OWNER OF RECORD
311 KRISTMONT ST
LODI , CA 95242

OWNER OF RECORD
300 KRISTMONT ST
LODI, CA 95242

OWNER OF RECORD
2230 W LODI AVE
LODI, CA 95242

OWNER OF RECORD
2220 W LODI AVE
LODI, CA 95240

OWNER OF RECORD
2210 W LODI AVE
LODI, CA 95242

OWNER OF RECORD
305 BELLA VISTA DR
LODI, CA 95242

OWNER OF RECORD
310 KRISTMONT ST
LODI, CA 95242

OWNER OF RECORD
2215 W CAPELL DR
LODI, CA 95242

OWNER OF RECORD
2225 CAPELL DR
LODI, CA 95242

OWNER OF RECORD
112 S ALLEN DR
LODI, CA 95242

OWNER OF RECORD
2220 CAPELL DR
LODI , CA 95242

OWNER OF RECORD
2215 W WALNUT ST
LODI, CA 95242

OWNER OF RECORD
2219 W WALNUT ST
LODI, CA 95242

OWNER OF RECORD
2225 W WALNUT ST
LODI , CA 95242

OWNER OF RECORD
964 LUCAS RD
LODI , CA 95240

OWNER OF RECORD
2216 W WALNUT ST
LODI, CA 95242

OWNER OF RECORD
2570 SEQUOIA ST
LODI, CA 95242

OWNER OF RECORD
2215 JACKSON ST
LODI, CA 95242

OWNER OF RECORD
2219 JACKSON ST
LODI , CA 95242

OWNER OF RECORD
2225 W JACKSON ST
LODI, CA 95242

OWNER OF RECORD
2224 JACKSON ST
LODI, CA 95240

OWNER OF RECORD
2216 JACKSON ST
LODI, CA 95240

OWNER OF RECORD
2208 W JACKSON ST
LODI , CA 95240

OWNER OF RECORD
13688 GRASSLAND RD
LODI, CA 95240

OWNER OF RECORD
2217 W LODI AVE
LODI , CA 95242

OWNER OF RECORD
2225 W LODI AVE
LODI , CA 95242

OWNER OF RECORD
2301 W LODI AVE
LODI, CA 95242

OWNER OF RECORD
2310 W LODI AVE
LODI, CA 95242

OWNER OF RECORD
2216 CAPELL DR
LODI, CA 95242

OWNER OF RECORD
2339 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2343 HYDE PARK CIR
LODI, CA 95240

OWNER OF RECORD
2347 W HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
5185 CONGRESSIONAL ST
CHOWCHILLA, CA 93610

OWNER OF RECORD
1316 BONITA AVE #6
BERKELEY, CA 94709

OWNER OF RECORD
2363 HYDE PARK CIR
LODI, CA 95240

OWNER OF RECORD
2371 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2375 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2379 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2383 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2387 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2388 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2384 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2376 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2348 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2342 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2338 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
PO BOX 2661
LODI, CA 95241

OWNER OF RECORD
2402 CENTRAL PARK DR
LODI, CA 95242

OWNER OF RECORD
2406 CENTRAL PARK DR
LODI, CA 95242

OWNER OF RECORD
2884 E WOODBRIDGE RD
ACAMPO, CA 95220

OWNER OF RECORD
177 RIVER MEADOWS DR
WOODBRIDGE, CA 95258

OWNER OF RECORD
2405 CENTRAL PARK DR
LODI, CA 95242

OWNER OF RECORD
2401 CENTRAL PARK DR
LODI, CA 95242

OWNER OF RECORD
2397 CENTRAL PARK DR
LODI, CA 95242

OWNER OF RECORD
10155 E KETTLEMAN LN
LODI, CA 95240

OWNER OF RECORD
2346 CENTRAL PARK DR
LODI , CA 95242

OWNER OF RECORD
2367 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
2225 JACKSON ST
LODI, CA 95242

Vineyard Christian Middle School appeal Public Hearing

OWNER OF RECORD
2355 HYDE PARK CIR
LODI, CA 95242

OWNER OF RECORD
12740 OXFORD DR
LA MIRADA, CA 90638

Lodi Avenue Baptist Church
2301 W. Lodi Ave.
Lodi, CA 95242

Vineyard Christian Middle School
P.O. Box 210
Woodbridge, CA 95258

CLARKE, CRIS L & LINDA
ENGRAV
2101 JACKSON ST
LODI, CA 95242

During the April 19, 2006 City Council Meeting, Council Member Hansen stated that he "had confidence in the conditional use process" and noted that it could be revoked if promises and conditions were not adhered to. We request the issues listed above be reviewed by the City Council before any further work is done by VCMS at the 2301 West Lodi Avenue property.

David Johnson, 2200 Jackson St. Lodi, CA 95242
(209) 369-9108

8/9/06
Date

Dean Walker, 2207 Capell Drive. Lodi, CA 95242
(209) 333-8260

8/6/06
Date

Mary Colbert, 2133 Jackson St. Lodi, Ca. 95242
(209) 369-1102

8/6/06
Date

Linda Reichert, 2219 W. Walnut St. Lodi, Ca. 95242
(209) 334-4602

8-6-06
Date

Craig Cawetti, VCMS
Board of Directors
18850
Jordan Ln.
Woodbridge
95258

AGENDA ITEM J-1a

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Denial of Verified Claim(s) against the City of Lodi**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Risk Management**

RECOMMENDED ACTION: That Council by motion action, deny the following verified Claim(s) filed against the City of Lodi.

(A) Simone Dumas Date of Loss: First week of June, 2006

BACKGROUND INFORMATION: Following review of verified claims filed against the City of Lodi, the City's contract administrator, DB Claims and Human Resources staff, recommend the City deny the subject claim(s).

FISCAL IMPACT: N/A

FUNDING AVAILABLE: None Required

Kirk Evans, Risk Manager

Attachments

cc: City Attorney
DB Claims

APPROVED: Blair King, City Manager

AGENDA ITEM J-02a

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Post for Vacancy on the Lodi Arts Commission

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, direct the City Clerk to post for one vacancy on the Lodi Arts Commission.

BACKGROUND INFORMATION: The City Clerk's Office received a letter of resignation (filed) from Lodi Arts Commissioner, Robert Clemons. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancy below.

Lodi Arts Commission
Robert Clemons Term to expire July 1, 2007

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Jennifer M. Perrin
Interim City Clerk

JMP

APPROVED: _____
Blair King, City Manager

council/councom/Posting1.doc

AGENDA ITEM K-1

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: **Set Public Hearing for September 20, 2006 to consider changes to the Net Energy Metering Rate – Schedule NEM and establish the new Co-Energy Metering Rider – Schedule CEM Ordinances (EUD)**

MEETING DATE: **September 6, 2006**

PREPARED BY: **Electric Utility Director**

RECOMMENDED ACTION: That the City Council set a public hearing for September 20, 2006 to consider changes to current electric rate schedule NEM and establish the new electric rate schedule CEM.

BACKGROUND INFORMATION: In June 2003, the City adopted the Net Energy Metering Schedule, NEM. The City of Lodi is required by State of California legislation, Assembly Bill 58, to offer customers who install qualified solar and wind generation, 10 kW or less in size, a "net metering" rate. Net metering measures the difference between the electricity supplied by the City through the electric grid and the electricity generated by a customer-generator with credit being applied at the retail rate.

This same legislation allows for municipally-owned utilities to establish a "co-metering" rate for those customer-generators that install units larger than 10 kW. Electricity consumed by the customer will be billed at the applicable retail rate and the generation of electricity provided to the City credited to the customer-generator will be equal to the "generation component" of the applicable rate schedule. The generation component of the applicable rate is proposed to equal one-half (1/2) of the applicable demand and energy charges.

When this rate schedule was adopted in 2003, the co-energy metering component was not included. Implementing a new co-metering schedule also requires adjustments to the net metering schedule.

FISCAL IMPACT: The addition of a Co-Energy Metering Rider will reduce payments by the Electric Utility Department for solar energy generated by large (greater than 10 kW) customer-owned facilities to a level generally consistent with market power alternatives.

FUNDING: None required.

Ruby Paiste, Financial Services Manager

George F. Morrow
Electric Utility Director

Prepared By: Sondra Huff, Senior Rate Analyst

APPROVED: _____
Blair King, City Manager

AGENDA ITEM **K-2**

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Provide direction regarding the use of viable funding options needed to offset costs associated with Lodi Grape Bowl related improvements and events (PR)

MEETING DATE: September 6, 2006

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council provide direction regarding the use of viable funding options needed to offset costs associated with Lodi Grape Bowl related improvements and events.

BACKGROUND INFORMATION: At the conclusion of its assignment and during its presentation to Council, the Grape Bowl Ad Hoc Committee, advisory group to the Council on the Grape Bowl Americans with Disabilities Act ("ADA") Transition Plan, recommended a "per ticket" surcharge to help offset costs of events to be held in the Grape Bowl and any initial ADA and/or public safety corrective work needed done to the facility.

While staff understands the urgency behind generating a revenue stream that would cover maintenance and improvement costs, research has uncovered a number of challenges that may preclude the surcharge concept from being a viable and effective funding option. First of all, league rules place a cap on what is charged per ticket at the gate. Any charge over and above the cap would have to come out of gross receipts from each school and would negatively affect their program revenues and financial solvency. Secondly, we have found it very difficult to get definitive data on anticipated paid attendance. Numbers we have been given appear to reflect a nominal return compared to the overall costs that could be incurred. Gate receipt information for the band review is at this time still undetermined. Additionally, many people attending the District's athletic events have paid for admission in advance of the event by purchasing Student Body Activity cards, punch cards, etc. It may be difficult to collect an additional surcharge after the fact. And finally, the methodology for collecting the surcharge, recording receipt of the money and the disbursement of funds collected is still unresolved.

It has occurred to staff, however, that other funding options might be feasible and are worthy of discussion and consideration. Without going into any great detail, these options are mentioned below.

1. The City might consider contracting with the concessionaire of each school and/or any other user for a percentage of the gross concession profits. This might offer a much better rate of return than on ticket sales.
2. The City shall determine the actual costs for use of the facility. Any costs above and beyond the cost of normal operation and maintenance that would be incurred by the City, and costs related to ADA Transition Plan work, would be passed on to the user. This could be done on a per event basis or a billing at the end of the fiscal year. This option is in accordance with conditions of the existing and current Joint Use Agreement between the City of Lodi and the Lodi Unified School District. The charges would, of course, be established by mutual agreement of both agencies and by amending the existing document; and could easily be passed on to other users as well.
3. The City might consider charging each user a "flat fee" per game, say $500.00. The charges again could be based upon whatever formula is determined to best cover incremental costs (over and above normal maintenance and operations) and those related to any required ADA related improvements.

APPROVED: _____
Blair King, City Manager

Whatever direction is given by Council, it has become apparent that the lack of City discretionary funding will create difficulty in continuing to maintain, repair and adequately renovate a facility, in its current configuration, that essentially has one primary user the Lodi Unified School District. And, it is staff's opinion and recommendation that it has become increasingly more incumbent that each and every user pays their fair share of all costs incurred. (Note: At the drafting of this communication, staff has completed a Grape Bowl Project Priority List, attached as Exhibit A, but is still working on cost estimates to support each of the items on the list.)

Staff respectfully asks that Council consider the above options and/or any others that may surface during discussion, and provide the direction necessary to move forward with the Lodi Grape Bowl project.

FISCAL IMPACT: None anticipated, but undetermined at this time.

FUNDING AVAILABLE: Not applicable

Ruby Paiste, Financial Services Manager

Tony C. Goehring
Parks and Recreation Director

TCG:tl

cc: City Attorney

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Set Date for Special Joint Meeting of the Lodi City Council, Planning Commission and Library Board for AB 1234 Training

MEETING DATE: September 6, 2006

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council set September 27, 2006, 6:00 p.m. – 8:00 p.m. at Carnegie Forum, as the date, time and place for a Special Joint Meeting of the Lodi City Council, Planning Commission and Library Board for AB 1234 training.

BACKGROUND INFORMATION: Effective January 1, 2006, AB 1234 requires that elected or appointed officials who are compensated for their service or reimbursed for their expenses receive two (2) hours of training in ethics principles and laws every two years. To comply with this requirement the City Attorney's office recommends that the City Council set September 27, 2006 as the date for a Special Joint Meeting of the City Council, Planning Commission and Library Board for AB 1234 ethics training. The training will be conducted by the City Attorney's office.

FISCAL IMPACT: AB 1234 is a state mandate. The legislation requires that the training be conducted by a licensed California attorney. In-house counsel providing the training is a cost effective option for the City.

FUNDING AVAILABLE: Not Applicable.

_____
Janice D. Magdich
Deputy City Attorney

APPROVED: _____
Blair King, City Manager

AGENDA ITEM L-01

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Ordinance No. 1783 Entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 – Permits and Regulations – by Adding Chapter 5.25, 'Pedicabs'"

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1783.

BACKGROUND INFORMATION: Ordinance No. 1783 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 5 – Permits and Regulations – by Adding Chapter 5.25, 'Pedicabs'" was introduced at the regular City Council meeting of August 16, 2006.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934***.

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937***.

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

_____
Jennifer M. Perrin
Interim City Clerk

JMP
Attachment

APPROVED: _____
Blair King, City Manager

council/councom/Ordinance1.doc

ORDINANCE NO. 1783

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE TITLE 5 – PERMITS AND
REGULATIONS – BY ADDING CHAPTER 5.25, "PEDICABS"

==========

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Title 5 – Permits and Regulations – is hereby amended by adding Chapter 5.25, "Pedicabs," to read as follows:

Chapter 5.25 PEDICABS
Section:

5.25.010 Purpose.
5.25.020 Definitions.
5.25.030 Permit Requirement to Operate Pedicab.
5.25.040 Application for Pedicab Operating Permit.
5.25.050 Pedicab Operating Permit Fee.
5.25.060 Duration of Validity of Pedicab Operating Permit.
5.25.070 Pedicab Operating Permit Renewal.
5.25.080 Denial of Pedicab Operating Permit.
5.25.090 Suspension or Revocation of Pedicab Operating Permit.
5.25.100 Identification Badges Issued to Pedicab Operators with a Pedicab Operating Permit.
5.25.110 Pedicab Decal.
5.25.120 Application for Pedicab Decal.
5.25.130 Requirements for Issuance of Pedicab Decal.
5.25.140 Pedicab Decal Fee.
5.25.150 Duration of Validity of Pedicab Decal.
5.25.160 Pedicab Decal Renewal.
5.25.170 Denial of Pedicab Decal for Failure to Comply with Chapter.
5.25.180 Suspension or Revocation of Pedicab Decal.
5.25.190 Other Laws Applicable to Pedicab Owners and Operators.
5.25.200 Report of Accidents.
5.25.210 Minimum Age for Pedicab Operators.
5.25.220 Driver's License Requirement to Operate Pedicab.
5.25.230 Business License Requirement to Operate Pedicab.
5.25.240 Equipment Regulations for the Operation of Pedicabs.
5.25.250 Insurance Requirements.
5.25.260 Fare Schedule.
5.25.270 Right of Appeal from Denial of Issuance of Pedicab Operating Permit or Decal.
5.25.280 Right of Appeal from Suspension or Revocation of Pedicab Operating Permit or Decal.
5.25.290 Procedure Upon Appeal.
5.25.300 Enforcement Authority.
5.25.310 Enforcement Remedies.
5.25.320 Strict Liability Offenses.
5.25.330 City Held Harmless.
5.25.340 General Pedicab Operation.

5.25.010 Purpose.

The City Council finds that regulations governing pedicabs, operators, and owners are necessary to protect the general safety and welfare of passengers using pedicabs for hire and pedestrians within the City.

5.25.020 Definitions.

For purposes of this Chapter, the following terms are defined as follows:

A. "City Clerk" means the City Clerk for the City of Lodi or his or her designee.

B. "Decal" means the numbered decal issued by the City of Lodi to a pedicab owner for display on the pedicab to indicate that the pedicab is permitted to operate.

C. "Identification Badge" means a badge that identifies the operator with a color passport-size photo.

D. "Operates with the city" means the soliciting, accepting, picking-up, or embarking within the city of a passenger or passengers for transportation or conveyance to any point within or without the city for receipt of any form of consideration.

E. "Operator" means any individual who operates a pedicab whether as an owner, an employee of the owner, or as an independent contractor within the City of Lodi.

F. "Owner" means any person who owns, leases, or otherwise has possession of a pedicab.

G. "Pedicab" means:

1. A bicycle (as defined by the California Vehicle Code) that has three or more wheels, that transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration; or

2. A bicycle (as defined by the California Vehicle Code) that pulls a trailer, sidecar, or similar device, that transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar, or similar device, that is operated by an individual, and that is used for transporting passengers for receipt of any form of consideration.

H. "Pedicab operating permit" means a written permit issued by the City of Lodi authorizing a person to operate a pedicab.

I. "Person" means both singular and plural, and shall mean any individual, firm, corporation, association, partnership, or society exclusive of public agencies.

J. "Police Chief" means the Chief of Police for the City of Lodi or his or her designee.

5.25.030 Permit Requirement to Operate Pedicab.

It shall be unlawful for any person to operate a pedicab within the city without first having obtained a pedicab operating permit issued by the city pursuant to this chapter. Pedicab operating permits are the property of the city and are not transferable to any other operator.

5.25.040 Application for Pedicab Operating Permit.

A. Before operating a pedicab, an applicant shall apply for a pedicab operating permit in person.

B. The pedicab operating permit application form shall be in a form prescribed by the city clerk.

C. The applicant shall provide the following information to complete the application under oath or affirmation:

1. The applicant's full name and residence address;
2. The applicant's date of birth; and
3. The applicant's valid California driver's license.

D. The applicant shall provide the following material to complete the application:

1. Proof that the applicant is eighteen years or older;
2. Proof of ability to drive lawfully in the United States;
3. Proof of a valid City of Lodi business license;
4. A complete set of fingerprints;
5. Two recent color passport-sized photographs; and
6. Such other material as the city clerk may require to evaluate the fitness of the applicant to be granted a pedicab operating permit.

E. Each applicant must sign the application which shall contain a warning that the application may be denied or the permit suspended or revoked if the applicant misrepresents facts relevant to the fitness of the applicant to be granted a pedicab operating permit.

F. The city clerk shall investigate the facts stated in an application for a pedicab operating permit and other relevant data.

G. When an application has been denied, the applicant may not reapply for a pedicab operating permit within three hundred sixty five (365) days from the date of denial, unless denial is without prejudice.

5.25.050 Pedicab Operating Permit Fee.

The city shall charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab operating permits as may from time to time be determined by the city council.

5.25.060 Duration of Validity of Pedicab Operating Permit.

Pedicab operating permits shall be valid for a period of one year from date of issuance.

5.25.070 Pedicab Operating Permit Renewal.

Pedicab operating permits shall be renewable annually upon filing and approval of a new application and payment of a pedicab operating permit fee as determined by the city council.

5.25.080 Denial of Pedicab Operating Permit.

The city clerk may deny issuance of a pedicab operating permit if an applicant:

A. Fails to comply with the requirements of this chapter;

B. Misrepresents facts relevant to the fitness of the applicant;

C. Does not possess a valid driver's license issued by State of California;

D. Has any type of driving restrictions issued by the State of California;

E. Is currently required to register pursuant to California Penal Code section 290;

F. Has been convicted of a crime involving moral turpitude or narcotics; or

G. Has been convicted for hit and run, driving a vehicle recklessly or while under the influence of intoxicating alcohol or drugs within the seven (7) years immediately preceding application for a pedicab operating permit.

5.25.090 Suspension or Revocation of Pedicab Operating Permit.

A. The city clerk may suspend, for a period not to exceed thirty (30) days, and may revoke a pedicab operating permit if the operator:

    1. Misrepresents facts relevant to the fitness of the operator if such misrepresentation becomes known after a permit has been issued;

    2. Violates the traffic laws of the City, County or State;

    3. Is convicted for misdemeanor reckless driving;

    4. Drives a pedicab known to the operator not to be in good order and repair;

5. Knowingly falsifies material and relevant facts on an application for a pedicab operating permit;

6. Is convicted or pleads nolo contendere to the violation of any law involving alcohol;

7. Is convicted or pleads nolo contendere to the violation of any law involving moral turpitude;

8. Operates any vehicle in a manner which constitutes a misdemeanor under the laws of the State of California; or

9. Repeatedly fails to comply with the applicable provisions of this chapter or the rules and regulations prescribed by the city clerk.

B. The city clerk shall immediately suspend, for a period not to exceed thirty (30) days, and may revoke a pedicab operating permit of any operator upon the receipt of information reasonably sufficient and reliable to establish that the operator has committed a violation of law involving:

1. A felony;
2. A sex offense;
3. Soliciting for prostitution;
4. A narcotics offense; or
5. Has had a license to drive issued by the State of California either suspended or revoked by the State.

C. The city clerk shall immediately revoke the pedicab operating permit if that operator has been found guilty by final judgment of a court of competent jurisdiction of a violation of the law involving:

1. A felony;
2. A sex offense;
3. Soliciting for prostitution; or
4. A narcotics offense.

D. Upon suspension or revocation, the operator shall immediately surrender the pedicab operating permit to the city clerk. In the event of suspension, the city clerk shall return the pedicab operating permit to its operator immediately after termination of the suspension period.

5.25.100 Identification Badges Issued to Pedicab Operators With a Pedicab Operating Permit.

A. The city shall issue an identification badge to an individual after that individual has been issued a pedicab operating permit.

B. While the pedicab is in operation, the pedicab operator shall wear the identification badge at all times on his or her person, in a manner clearly visible to the public.

C. It shall be unlawful for a pedicab operator to fail to wear an identification badge, in a manner clearly visible to the public, while operating a pedicab.

D. Identification badges are the property of the city and are not transferable to any other operator. In the event that an operator's pedicab operating permit is suspended or revoked, the operator shall also immediately surrender the identification badge to the city clerk. In the event of a suspension, the city clerk shall return the identification badge to its holder immediately after termination of the suspension period.

5.25.110 Pedicab Decal.

A. It shall be unlawful for any owner to lease, rent, or allow a pedicab to be operated for hire within the city without first having obtained a decal issued pursuant to this chapter. The decal shall be affixed to the pedicab on the rear or back side of the pedicab in a manner clearly visible to the public.

B. It shall be unlawful for any person to operate a pedicab that does not have a valid decal affixed to it.

C. Decals are the property of the city and are not transferable to any other pedicab.

5.25.120 Application for Pedicab Decal.

A. Before allowing a pedicab to be operated for hire, an owner shall obtain a pedicab decal.

B. The pedicab decal application form shall be prescribed by the city clerk.

C. The applicant shall provide the following information to complete the application:

1. The full name and address of the applicant;

2. The name and address of all legal and registered owners of the pedicab;

3. A description of the pedicab, including trade name, if any, serial number or owner identification number, and body style;

4. Seating capacity of the pedicab;

5. Route(s) or area(s) over which the applicant proposes to operate the pedicab; and

6. Proof of insurance in accordance with Section 5.25.250 of this Chapter.

5.25.130 Requirements for Issuance of Pedicab Decal.

Pedicab decals will be issued only when a pedicab meets all of the following requirements:

A. A battery-operated headlight capable of projecting a beam of white light for a distance of 300 feet shall be permanently affixed to the pedicab;

B. Battery-operated taillights shall be permanently affixed on the right and the left, respectively, at the same level on the rear exterior of the passenger compartment. Taillights shall be red in color and plainly visible from all distances within 500 feet to the rear of the pedicab;

C. Side-mounted rearview mirrors affixed to the right and left side of the pedicab so located as to reflect to the driver a view of the street for a distance of at least 200 feet to the rear of the pedicab.

D. Seat belts for each available passenger seat; and

E. Those requirements related to bicycles as set forth in California Vehicle Code Section 21201.

5.25.140 Pedicab Decal Fee.

The City shall charge a nonrefundable fee to recover the cost of activities associated with the administration, regulation, and issuance of pedicab decals.

5.25.150 Duration of Validity of Pedicab Decal.

Pedicab decals shall be valid for a period of one year from date of issuance.

5.25.160 Pedicab Decal Renewal.

Pedicab decals shall be renewable annually upon filing of a new application and payment of a pedicab decal fee.

5.25.170 Denial of Pedicab Decal for Failure to Comply with Chapter.

The City may deny issuance of a pedicab decal if the city clerk determines that the pedicab does not meet the requirements of this chapter or applicable state law.

5.25.180 Suspension or Revocation of Pedicab Decal.

A. Decals may be suspended by the city clerk for a period of one to thirty days or revoked at any time if the owner:

1. Fails to comply with the applicable provisions of this chapter;

2. Fails to maintain insurance as required by Section 5.25.250;

3. Fails to notify the city clerk thirty (30) days prior to the effective date of liability insurance cancellation or change of insurer;

4. Fails to maintain pedicabs in good order and repair as prescribed herein;

5. Provides false statements on an application for a decal;

6. Fails to pay any fees or damages lawfully assessed upon the ownership or operation of any pedicab licensed under this chapter; or

7. Violates any of the provisions of this chapter or any applicable city, state, or federal laws, rules, or regulations.

B. Decals which have been suspended shall forthwith be surrendered to the city clerk for a period covering the term of suspension. The city clerk shall return the decal to its holder immediately after termination of the suspension period.

C. Decals which have been revoked shall forthwith be surrendered to the city clerk by the holder thereof.

D. The city clerk shall notify in writing and by certified mail, any decal holder whose permit has been suspended or revoked. Such notice shall state any and all reasons for such action as well as all laws or regulations violated by the decal holder.

5.25.190 Other Laws Applicable to Pedicab Owners and Operators.

Pedicab owners and operators are subject to all applicable city, county, state, and federal laws, rules, and regulations.

5.25.200 Report of Accidents.

Each holder of a pedicab decal and pedicab operating permit involved in any accident resulting in property damage or personal injury of any kind, shall within forty-eight (48) hours thereof give written report thereof to the city clerk. A copy of a report required under state law shall be deemed sufficient for such purposes; otherwise, such report shall contain all information required with respect to reports otherwise required under state law.

5.25.210 Minimum Age for Pedicab Operators.

It is unlawful for any individual under the age of eighteen to operate a pedicab.

5.25.220 Driver's License Requirement to Operate Pedicab.

A. It is unlawful for any individual without a motor vehicle driver's license issued by the State of California to operate any pedicab within the city.

B. While the pedicab is in operation, the pedicab operator shall have his or her valid driver's license on his or her person at all times.

5.25.230 Business License Requirement to Operate Pedicab.

It shall be unlawful for a person to operate a pedicab without first obtaining a business license from the city.

5.25.240 Equipment Regulations for the Operation of Pedicabs.

A. It shall be unlawful for any person to operate, or cause to be operated, a pedicab which fails to meet the equipment requirements of section 5.25.130 of this chapter.

5.25.250 Insurance Requirements.

In order to ensure the safety of the public, it is unlawful for any person who owns a pedicab to allow it to be operated or driven or to obtain a permit for its operation under this chapter unless and until said person has complied with the provisions of this section.

A. The owner or operator of any pedicab operated under this chapter must secure his or her ability to answer to any claim for damage to person or property which may arise against him or her by reason of the operation of said pedicab as follows:

1. Public liability insurance in the minimum limits of $100,000 for injury or death to any person and $300,000 for injury or death of more than one person in the same accident;

2. Public liability insurance for property damage in the minimum amount of $50,000 for any one occurrence;

3. The policy of insurance is endorsed to provide a hold harmless clause in favor or the city;

4. The policy provide that 30-days notice of cancellation of insurance be sent to the city clerk; and

5. A certificate evidencing insurance shall be filed with the City Clerk and the risk manager for the city, and must name the city, its officers, agents and employees as additional insureds.

B. The insurance required under this section shall remain in full force, at a level at least equal to the minimum requirements set forth above, or the pedicab decal will be subject to revocation or suspension pursuant to this chapter.

5.25.260 Fare Schedule.

A. Every pedicab shall have permanently affixed to the outside thereof, in a place readily to be seen by passengers, a frame covered with clear plastic, or similar material, enclosing a card upon which shall be printed in plain, legible letters the schedule of rates authorized for carriage in such pedicab.

B. It is unlawful for an operator to deceive any passenger who rides in the vehicle, or who expresses a desire to ride in such vehicle, as to that passenger's destination or the rate to be charged.

C. It is unlawful for any operator to demand from a passenger a fare greater than the fare contained in the posted fare schedule.

D. Section 5.25.260(C) does not apply to fares for special tours, provided that the fare for the special tour is agreed upon between the passenger and the operator prior to the beginning of the tour.

5.25.270 Right of Appeal from Denial of Issuance of Pedicab Operating Permit or Decal.

A. The city clerk shall notify the applicant that the issuance of his or her pedicab operating permit or decal has been denied. The city clerk shall also notify the applicant of the right to appeal the denial to the city manager. Any written appeal shall be filed with the city clerk within ten (10) calendar days after service of notice of denial. Service shall be by regular postal service or personal delivery. The applicant shall set forth in the appeal the reason why the denial is not proper.

B. If no appeal is filed within the time allowed, the decision of the city clerk to not issue the pedicab operating permit or decal shall be considered final.

C. The city manager shall direct an appeal to be heard within fifteen (15) days after a notice of appeal is filed with the city clerk as required by this section.

D. A denial shall remain in effect until a duly filed appeal is heard by a hearing officer under the procedures set forth in section 5.25.290.

5.25.280 Right of Appeal from Suspension or Revocation of Pedicab Operating Permit or Decal.

A. The city shall notify the pedicab operator or owner that his or her pedicab operating permit or decal has been suspended or revoked. The city clerk shall also notify the pedicab owner or operator of the right to appeal the suspension or revocation to the city manager. Any written appeal shall be filed within ten (10) calendar days after service of notice of suspension or revocation. The pedicab operator or owner shall set forth in the appeal the reason why the suspension or revocation is not proper.

B. If no appeal is filed within the time allowed, the pedicab operating permit or decal shall be considered suspended or revoked and the pedicab operator or owner shall immediately surrender the pedicab operating permit or decal to the city clerk in the manner prescribed by the city clerk.

C. Once a timely appeal is filed, the suspension or revocation of the operating permit or decal shall be stayed pending the final determination by the hearing officer as set forth in section 5.25.290.

5.25.290 Procedure Upon Appeal.

A. If an applicant served with a notice of denial, suspension, or revocation chooses to appeal, he or she shall file an appeal within ten (10) calendar days from the service of the notice from the city clerk.

B. Appeals to the city manager:

1. Any decision of the city clerk which is a denial to issue or a suspension or revocation of any pedicab operating permit or decal shall not become final until fifteen (15) days after the date of transmittal of the written notice to the person

affected by such decision, during which period the party to the action may appeal the decision in the manner provided herein at any time prior to the expiration date of the fifteen (15) day period. If no appeal is taken before the expiration of the fifteen (15) day period, the decision of the city clerk shall be final.

2. The appeal of any decision shall be in writing signed by the party to the action briefly setting forth the reasons why such decision is not proper, stating an address at which the appellant will receive notices and filed with the city clerk.

3. The city clerk shall upon receipt of the appeal set the matter for hearing before a hearing officer. The hearing officer shall be an attorney or recognized mediator designated by the city attorney. The hearing shall be scheduled for not more than thirty (30) calendar days after receipt of the appeal unless a longer time is requested or consented to by the appellant.

4. The hearing shall not be conducted under the formal Rules of Evidence, but shall be subject to such standards of procedure and evidence as reasonable people would utilize in the conduct of serious business.

5. The appellant (or a representative) shall have the right to present his or her case in person.

6. The hearing officer shall consider the case record as well as any statements offered by interested parties. The hearing will be conducted according to administrative rules relating to evidence and witnesses as set forth in Chapter 1.10 of this code.

7. If the hearing officer refuses to issue or restore a pedicab operating permit or decal, the party to the action, or such party's agent, shall not file a new application within three hundred sixty five (365) days from the date of final action by the hearing officer.

8. If the hearing officer suspends a pedicab operating permit or decal, the city clerk shall determine a period of suspension of not more than thirty (30) days.

9. If the hearing officer's action is to grant or restore a decal or permit, the hearing officer shall direct the city clerk to issue or restore the certificate or license.

C. Any party dissatisfied with the decision of the hearing officer may carry the matter forward under the provisions for administrative mandamus (Code of Civil Procedure Section 1094.5) as it now exists or may later be amended.

5.25.300 Enforcement Authority.

The city is authorized to administer and enforce the provisions of this chapter. The city may exercise any enforcement powers as provided in this code.

5.25.310 Enforcement Remedies.

Any person violating the provisions of this chapter is guilty of an infraction, unless otherwise noted, punishable on conviction as set forth in Chapter 1.08 of this code. The city attorney may also seek injunctive relief and civil penalties in the superior court for violations of the provisions of this chapter.

5.25.320 Strict Liability Offenses.

Violations of this chapter shall be treated as strict liability offenses.

5.25.330 City Held Harmless.

A decal holder shall, and by acceptance of the decal does, agree to hereby indemnify and hold the City of Lodi, its officers, employees and agents from any and all damages, claims, liabilities, costs, suits, or other expense resulting from and arising out of said decal holder's operations.

5.25.340 General Pedicab Operation.

A. Any pedicab permitted by the city as a pedicab shall be operated according to the pedicab provisions of this chapter and the applicable provisions of the California Vehicle Code governing the operation of bicycles.

B. Each operator shall carry in the vehicle a current map of the city. Upon request, the operator shall make the map available to the passenger.

C. Every pedicab while in operation for the solicitation or transportation of passengers shall be attended by the operator at all times except when such operator is actually engaged in loading or unloading the vehicle, or in answering telephones in connection with the business.

D. An operator shall not leave the pedicab operating permit in an unattended or unsecured pedicab.

E. No owner or operator of a pedicab shall knowingly permit such pedicab to be used for unlawful purposes or knowingly to transport persons therein to places for such purposes. Violation of this provision is a misdemeanor under this Chapter.

F. Every pedicab operating under this chapter must be inspected by the police department for the city at such intervals as may be established by the chief of police, to insure the continued maintenance of safe operating conditions.

G. Every person owning or operating, or causing to be operated, any pedicab under this chapter must thoroughly wash each pedicab, when so operated, at least once a week, and shall also sweep and clean each of said pedicabs daily.

H. It shall be unlawful for any person operating, or causing to be operated, any pedicab to permit the same to remain standing upon the street for the purpose of loading or unloading passengers unless the side of the pedicab is within a legal parking stall or other designated loading zone.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. 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 4. 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 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after its passage and approval.

Approved this 6th day of September, 2006

_____
SUSAN HITCHCOCK
Mayor

Attest:

JENNIFER M. PERRIN
Interim City Clerk

==========

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Interim City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1783 was introduced at a regular meeting of the City Council of the City of Lodi held August 16, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1783 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

By_____
Janice D. Magdich
Deputy City Attorney

AGENDA ITEM L-02

CITY OF LODI
COUNCIL COMMUNICATION

TM

AGENDA TITLE: Ordinance No. 1784 Entitled, "An Ordinance of the City Council of the City of Lodi Re-Classifying 220 Acres Located on the South Side of Harney Lane between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) from San Joaquin County AG-40 (Agriculture, General, Minimum 40 Acres) Zone to City of Lodi PD (Planned Development) Zone, Which Includes Designations Specific to Housing, Commercial, Office, and Public/Quasi-Public (Zone Change 06-Z-02)"

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1784.

BACKGROUND INFORMATION: Ordinance No. 1784 entitled, "An Ordinance of the City Council of the City of Lodi Re-Classifying 220 Acres Located on the South Side of Harney Lane between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) from San Joaquin County AG-40 (Agriculture, General, Minimum 40 Acres) Zone to City of Lodi PD (Planned Development) Zone, Which Includes Designations Specific to Housing, Commercial, Office, and Public/Quasi-Public (Zone Change 06-Z-02)" was introduced at the special City Council meeting of August 30, 2006.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934***.

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937***.

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

_____
Jennifer M. Perrin
Interim City Clerk

JMP

Attachment

APPROVED: _____
Blair King, City Manager

council/councom/Ordinance2.doc

ORDINANCE NO. 1784

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI RE-CLASSIFYING 220 ACRES LOCATED ON THE SOUTH SIDE OF HARNEY LANE BETWEEN STATE HIGHWAY 99 AND THE UNION PACIFIC RAILROAD TO THE WEST (REYNOLDS RANCH) FROM SAN JOAQUIN COUNTY AG-40 (AGRICULTURE, GENERAL, MINIMUM 40 ACRES) ZONE TO CITY OF LODI PD (PLANNED DEVELOPMENT) ZONE WHICH INCLUDES DESIGNATIONS SPECIFIC TO HOUSING, COMMERCIAL, OFFICE, AND PUBLIC/QUASI-PUBLIC (ZONE CHANGE 06-Z-02)

==========

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. The properties subject to this zoning reclassification include the following:

220 acres located on the south side of Harney Lane between State Highway 99 and the Union Pacific Railroad (UPRR) to the west – Assessors Parcel Numbers 058-110-04, 058-110-05, 058-110-41, 058-130-02, 058-130-03, 058-130-05, 058-130-06, 058-130-07, 058-130-08, 058-130-09, 058-130-11, 058-130-15, 058-130-16, 058-130-17, 058-130-19, 058-130-21, 058-130-22, 058-130-24, 058-130-04, 058-130-10, 058-130-14, and 058-130-18.

SECTION 2. The applicant for the requested zoning reclassification is as follows:

San Joaquin Valley Land Company LLC.

SECTION 3. The requested zoning reclassification consists of the following:

Re-classification of the afore-described properties from San Joaquin County AG-40 (Agriculture, General, Minimum 40 Acres) Zone to City of Lodi Planned Development (PD) Zone. (Exhibit 1).

SECTION 4. The Planned Development (PD) Zone designation for the project area is described as follows:

Planned Development (PD) Zone

The planned development district is designed to accommodate various types of development such as neighborhood and community shopping centers, grouped professional and administrative office areas, senior citizens' centers, multiple housing developments, commercial service centers, industrial parks or any other use or combination of uses which can be made appropriately a part of a planned development. In a P-D zone, any and all uses are permitted; provided, that such use or uses are shown on the development plan for the particular P-D zone as approved by the City Council. The residential density within the Planned Residential Low Density zoning area shall not exceed seven units per gross acre. Planned Residential Low Density shall be calculated based on acreage designated Planned Residential Low Density and related zone necessary to support the Planned Residential Low Density including parks, open space, detention basins and streets. High Density Residential shall be between 20 and 30 units per gross acre. Maximum height and bulk, and

minimum setback, yard and parking and loading requirements shall be established for each P-D zone by the development plan as approved by the City Council. These development parameters would be consistent with the General Plan designation for the sites.

Section 5. Based upon the evidence within the staff report and project file the City Council of the City of Lodi hereby determines the following:

1. An Environmental Impact Report (06-EIR-01) for this project was certified by City Council Resolution No. 2006-162.
2. The required public hearing by the City Council was duly advertised and held in a manner prescribed by law.
3. It is found that the requested rezoning does not conflict with adopted plans or policies of the General Plan and will serve sound Planning practice.
4. It is further found that the parcels of the proposed rezoning are physically suitable for the development of the proposed project.
5. The proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, will conform to adopted standards and improvements mandated by the City of Lodi Public Works Department Standards and Specifications, Zoning Ordinance as well as all other applicable standards.
6. The size, shape and topography of the site is physically suitable for the mixed-use development proposed in that the site is generally flat and is not within an identified natural hazard area.
7. The site is suitable for the density proposed by the project in that the site can be served by all public utilities and creates design solutions for storm water, traffic and air quality issues.
8. The design of the proposed project and the proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat. Potential biological-related environmental impacts identified in the EIR would not be significant because mitigation measures have been incorporated into the project to reduce any impacts to a level of less than significant.
9. The design of the proposed project and type of improvements are not likely to cause serious public health problems in that all public improvements will be built per City standards and all private improvements will be built per the Uniform Building Code.
10. The design of the proposed project and the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed project in that, as conditioned, the project will provide dedication of adequate right-of-ways for Harney Lane, and other circulation and roadway improvements required to serve the project.
11. The project is conditioned to construct improvements to Harney Lane and other existing streets, create new streets, install new and upgrade existing intersections, and provide improved access to and from State Route 99, thereby insuring that an adequate Level of Service is maintained on the roadways within the area.

12. The loss of Prime Farmland located within the project area will be mitigated through either: (a) the identification of agricultural acreage located in close proximity to the project site to be maintained in perpetuity as agricultural use; or (b) the payment of an Agricultural Land Mitigation fee to the City of Lodi and/or the Central Valley Land Trust (Central Valley Program) or other equivalent entity. The Lodi City Council, within its legislative capacity and as a matter of policy, shall determine the sufficiency of any fees paid to mitigate the loss of Prime Farmland.

13. Development of the proposed project shall be consistent with the Development Plan approved by the City Council

SECTION 6. All conditions of approval of this reclassification are included as Attachment A.

SECTION 7. All ordinances and parts of ordinances in conflict herewith are 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. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this 6th day of September, 2006

_____
SUSAN HITCHCOCK
Mayor

Attest:

JENNIFER M. PERRIN
Interim City Clerk
==========

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Interim City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1784 was introduced at a special meeting of the City Council of the City of Lodi held August 30, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1784 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

_____
JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

_____
D. STEPHEN SCHWABAUER
City Attorney

ATTACHMENT A

CONDITIONS OF APPROVAL
ZONE CHANGE 06-Z-02

1. Prior to the issuance of a building permit the multi-family, office, and retail components of the project shall be subject to review and approval by the Site Plan and Architectural Review Committee.

2. Prior to issuance of a building permit for the Blue Shield office building the applicant shall seek to obtain LEED Certification for their office building on the 20-acre parcel.

3. Prior to the issuance of any residential building permit the applicant shall achieve a minimum of 50 points, as verified by a GreenPoint Rater, in accordance with GreenPoint Rated program procedures.

4. The Developer shall strive to incorporate New Urbanist principles as dictated by the Congress of New Urbanism into the overall design and construction of the Reynolds Ranch Project prior to issuance of Tentative Map by incorporating the following thirteen (13) elements into their project specific development, to the satisfaction of the Community Development Director. Said principles are as follows:

   A. The neighborhood has a discernible center. This is often a square or a green and sometimes a busy or memorable street corner. A transit stop would be located at this center.

   B. Most of the dwellings are within a five-minute walk of the center, an average of roughly 2,000 feet.

   C. There are a variety of dwelling types — usually houses, rowhouses and apartments — so that younger and older people, singles and families, the poor and the wealthy may find places to live.

   D. At the edge of the neighborhood, there are shops and offices of sufficiently varied types to supply the weekly needs of a household.

   E. A small ancillary building is permitted within the backyard of each house. It may be used as a rental unit or place to work (e.g., office or craft workshop).

   F. An elementary school is close enough so that most children can walk from their home.

   G. There are small playgrounds accessible to every dwelling -- not more than a tenth of a mile away.

   H. Streets within the neighborhood form a connected network, which disperses traffic by providing a variety of pedestrian and vehicular routes to any destination.

   I. The streets are relatively narrow and shaded by rows of trees. This slows traffic, creating an environment suitable for pedestrians and bicycles.

J. Buildings in the neighborhood center are placed close to the street, creating a well-defined outdoor room.

K. Parking lots and garage doors rarely front the street. Parking is relegated to the rear of buildings, usually accessed by alleys.

L. Certain prominent sites at the termination of street vistas or in the neighborhood center are reserved for civic buildings. These provide sites for community meetings, education, and religious or cultural activities.

M. The neighborhood is organized to be self-governing. A formal association debates and decides matters of maintenance, security, and physical change. Taxation is the responsibility of the larger community

5. The conditions of approval listed below are to be accomplished prior to deeming complete the first Tentative Subdivision Map, unless noted otherwise:

A. Preparation of detailed master plans and supporting studies as listed below, including engineering calculations, for all phases of the development. The study area shall include all the area between Harney Lane, State Route 99 and Lower Sacramento Road or the Woodbridge Irrigation District canal as appropriate. (The required master plans and supporting studies are necessary to confirm the design of the proposed development and may affect the number of growth management allocations that can ultimately be utilized. The Developer agrees that the proposed project layout and number of growth management allocations approved may be subject to revision based on the results of the completed master plans and studies, the development or growth management plan and accompanying growth management allocations may be approved prior to completion and approval of the master plans and supporting studies.)

1. Water master plan, including the following:
    a. Surface water transmission and distribution facilities.
    b. Identification of possible water well sites within the project area. Developer shall coordinate test well drilling for determination of actual well sites prior to mapping of adjacent lots.
2. Recycled water master plan, including the following:
    a. Identification of areas to be irrigated.
    b. Detailed summary of demand calculations. Include development south of Harney Lane demands in calculations.
    c. Detailed summary of pipe sizing calculations.
    d. Provisions for future westerly extension.
3. Wastewater master plan.
4. Storm drainage master plan, including storm drainage basin dimensions and details. Retention basins shall be designed as passive bypass systems. Identify a single-facility designate to receive low flow and first flush flows.
5. Streets/circulation plan, including the following:
    a. Dimensions of street rights-of-way, including Harney Lane, Road “A”, State Route 99 Frontage, and other circulation and roadway improvements, bike/pedestrian/open space facilities and utility corridors.
    b. Traffic analysis of operations at critical intersections to determine if supplemental right-of-way is required.

c. Typical cross-section diagrams showing proposed utility locations and demonstrating that sufficient width has been provided to meet separation requirements between pipes.

6. Transit study to identify new or modified routes to serve the area.
7. Topography and/or spot elevations for the entire study area to confirm validity of water, wastewater and storm drain master plans.
8. Composite utility diagram to facilitate review of potential utility crossing conflicts.
9. Modification of the Lodi Bicycle Transportation Master Plan to include the project area. All modifications to the bicycle master plan shall be to the approval of the Public Works Department and Parks and Recreation Department.

B. Phasing analysis to be approved by the City prior to submittal of the first tentative map. The analysis shall include the following:

1. Phase boundaries and number of units to be constructed with each phase.
2. Permanent and interim/temporary facilities required to implement each phase based on the mitigation monitoring program and the above mentioned master plans.
3. Master utility calculations for permanent and interim/temporary facilities to be constructed with each phase.

6. Finance and Implementation Plan to identify funding for the required public improvements and interim/temporary improvements for each phase of the project. The Finance and Implementation Plan is dependent on the above mentioned master plans and phasing analysis and shall be approved by the City prior to submittal of the first tentative map.

7. All mitigation measures for the project, identified in the Final Environmental Impact Report (FEIR), are hereby incorporated into this recommendation of approval.

8. Prior to the development of the Reynolds Ranch Project, the applicant/developer shall file for a tentative subdivision map. Review and approval of the tentative subdivision map is a discretionary action and additional conditions of approval may be placed on the project at that time.

9. All applicable state statutes, and local ordinances, including all applicable Building and Fire Code requirements for hazardous materials shall apply to the project.

10. Prior to submittal of building permits, the applicant shall submit construction elevations, perspective elevations, precise landscape and irrigation plans, as well as building materials for the review and approval of the Community Development Director. Said plans shall indicate that all corner lots shall have architectural treatments on both street facing elevations.

11. Prior to submittal of building permits, the applicant shall submit a walls and fencing plan. Said plan shall show all proposed walls and fencing. Fencing visible to the public right of way shall be constructed of treated wood or alternative material to prevent premature deterioration. Furthermore, all fencing within the project site shall be designed with steel posts, or a functional equivalent, to prevent premature deterioration and collapse.

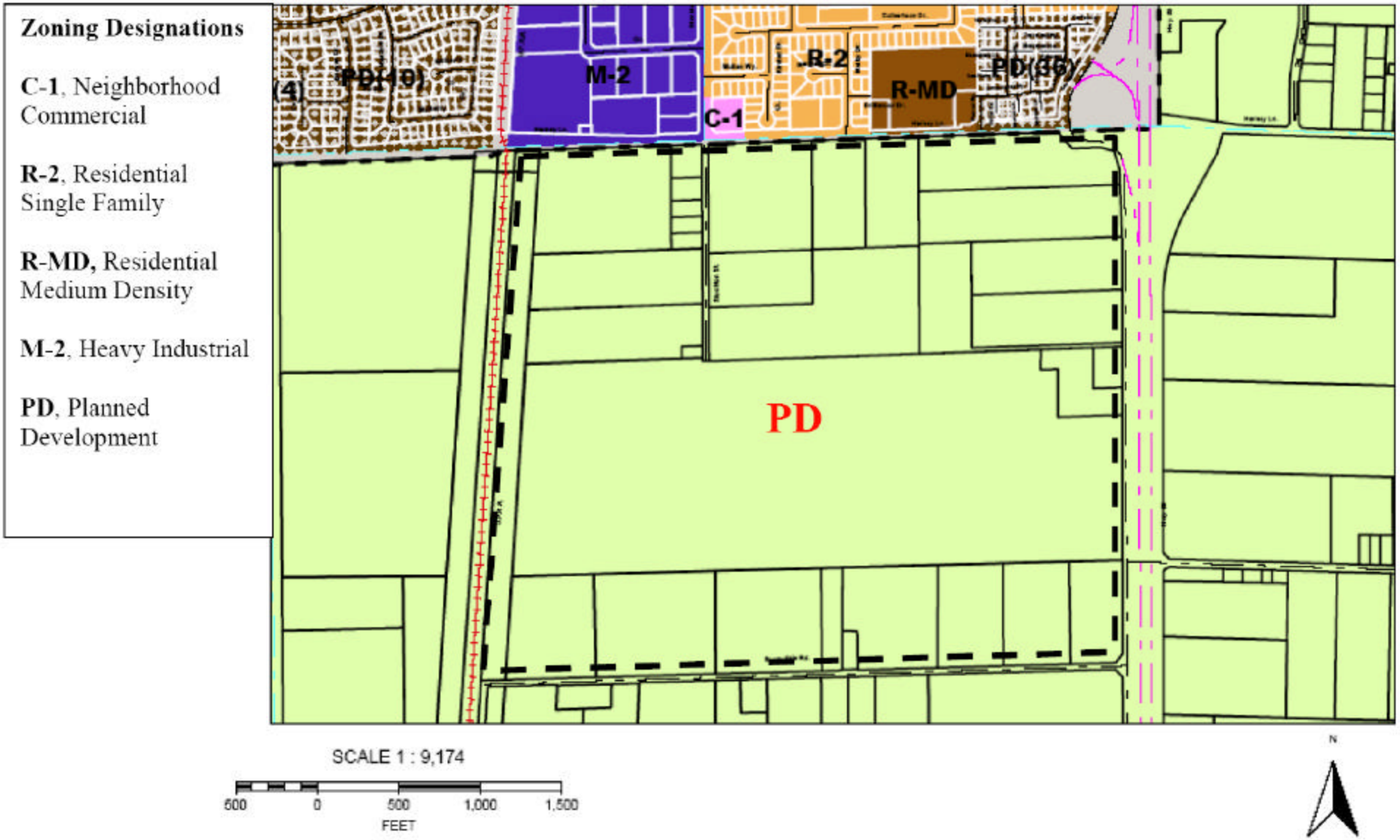
12. Any proposed public lanes shall incorporate stamped concrete, pavers or an equivalent subject to approval by the Public Works Department and Community Development Department.

13. The proposed project shall be subject to the San Joaquin County Air Pollution Control District Rules.

14. The proposed project should incorporate as many energy conserving and emission reducing features as possible, as outlined in correspondence from San Joaquin County Air Pollution Control District, dated January 13, 2006 and kept on file in the Community Development Department.

15. Prior to submittal of any further plan check or within 90 days of the approval of this project, whichever occurs first, the applicant shall sign a notarized affidavit stating that "I(we), ____, the owner(s) or the owner's representative have read, understand, and agree to the conditions approving 06-Z-02." Immediately following this statement will appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the City Community Development Director and City Engineer shall also appear on this page. The affidavit shall be approved by the City prior to any improvement plan or final map submittal.

EXHIBIT 1


Zoning Designations
C-1, Neighborhood Commercial
R-2, Residential Single Family
R-MD, Residential Medium Density
M-2, Heavy Industrial
PD, Planned Development
(4)
PD(40)
M-2
C-1
R-2
R-MD
PD(36)
PD
SCALE 1 : 9,174
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0
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AGENDA ITEM L-03

CITY OF LODI
COUNCIL COMMUNICATION

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AGENDA TITLE: Ordinance No. 1785 entitled, "An Ordinance of the City Council of the City of Lodi Adopting a Development Agreement Pertaining to the Development of 220 Acres Located on the South Side of Harney Lane Between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) (Development Agreement 06-GM-01)"

MEETING DATE: September 6, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1785.

BACKGROUND INFORMATION: Ordinance No. 1785 entitled, "An Ordinance of the City Council of the City of Lodi Adopting a Development Agreement Pertaining to the Development of 220 Acres Located on the South Side of Harney Lane Between State Highway 99 and the Union Pacific Railroad to the West (Reynolds Ranch) (Development Agreement 06-GM-01)" was introduced at the special City Council meeting of August 30, 2006.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. ***Cal. Gov't Code § 36934***.

Ordinances take effect 30 days after their final passage. ***Cal. Gov't Code § 36937***.

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Jennifer M. Perrin
Interim City Clerk

JMP

Attachment

APPROVED: _____
Blair King, City Manager

council/councom/Ordinance3.doc

ORDINANCE NO. 1785

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI ADOPTING A DEVELOPMENT AGREEMENT PERTAINING TO THE DEVELOPMENT OF 220 ACRES LOCATED ON THE SOUTH SIDE OF HARNEY LANE BETWEEN STATE HIGHWAY 99 AND THE UNION PACIFIC RAILROAD TO THE WEST (REYNOLDS RANCH) (DEVELOPMENT AGREEMENT 06-GM-01)

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. The properties subject to this Development Agreement (DA) (06-GM-01) include the following:

> 220 acres located on the south side of Harney Lane between State Highway 99 and the Union Pacific Railroad (UPRR) to the west – Assessors Parcel Numbers 058-110-04, 058-110-41, 058-130-06, 058-130-07, 058-130-08, 058-130-09, 058-130-11, 058-130-15, 058-130-16, 058-130-21, 058-130-22, 058-130-24, and 058-130-04.

SECTION 2. The following properties are identified as added parcels within the Development Agreement and may be added to the Development Agreement:

> Assessors parcel numbers 058-110-05, 058-130-02, 058-130-03, 058-130-05, 058-130-17, 058-130-19, 058-130-10, 058-139-14 and 058-130-18.

SECTION 3. The applicant for the requested Development Agreement is as follows:

> San Joaquin Valley Land Company LLC.

SECTION 4. The requested Development Agreement is summarized as follows:

> Development Agreement 06-GM-01 is an agreement between the City and the developer in which the developer agrees to provide certain benefits to the City in exchange for a vested right to proceed with the development consistent with the development approvals. The term of the Development Agreement is 15 years. The vested right the developer obtains is the ability to proceed with the development as approved and to avoid the imposition of new regulations on subsequent discretionary approvals (i.e. vesting tentative maps) for the development.

SECTION 5. The City Council hereby finds that the proposed Development Agreement is consistent with the general plan land use designation and the zoning for the proposed Development.

SECTION 6 . The City Council, by Resolution No. 2006-162, has certified the Reynolds Ranch Environmental Impact Report for the proposed project.

SECTION 7. The City Council hereby adopts Ordinance No. 1785 approving the Development Agreement by and between the City of Lodi and San Joaquin Valley Land Company, LLC.

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. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after its passage and approval.

Approved this 6th day of September, 2006

_____
SUSAN HITCHCOCK
Mayor

Attest:

JENNIFER M. PERRIN
Interim City Clerk

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State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, Interim City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1785 was introduced at a special meeting of the City Council of the City of Lodi held August 30, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held September 6, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. 1785 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
Interim City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney