

Council Member Hitchcock recommended that the City discuss this matter with the League of California Cities.

The City Council, on motion of Council Member Pennino, Mann second, unanimously adopted the following resolutions:

- Resolution No. 99-35 entitled, "A Resolution Of The Lodi City Council Approving The Installation Of No-Parking Zones At Various Locations" as set forth below:
  - **Cherokee Lane** – install 50 feet of no parking on the west side of Cherokee Lane, just north of the driveways located at 1721 and 1651 South Cherokee Lane; and
  - **Cherokee Lane** – install 40 feet of no parking on the east side of Cherokee Lane, just north of the southerly driveway located at 1800 South Cherokee Lane.
- Resolution No. 99-36 entitled, "A Resolution Of The Lodi City Council Approving Parking Restrictions, And Thereby Amending Traffic Resolution No. 97-148" as set forth below:
  - **Cherokee Lane** – prohibit the parking of vehicles six feet or more in height on the east side of Cherokee Lane from Almond Drive to 100 feet north of Almond Drive;
  - **Cherokee Lane** – restrict commercial vehicle parking from 7:30 a.m. to 9:00 p.m., everyday on the east side of Cherokee Lane from 180 feet north of Almond Drive 653 feet north of Almond Drive in front of the property addressed 1700 and 1740 South Cherokee Lane; and
  - **Beckman Road** – restrict commercial vehicle parking from 7:00 a.m. to 8:00 p.m., everyday on the east side of Beckman Road from Vine Street to 350 feet north of Vine Street in front of the property addressed 880 South Beckman Road.

- b) Agenda item #H-2 entitled, "East Side Improvement Committee phone survey results".

Community Improvement Manager Wood informed the City Council that the East Side Improvement Committee conducted an informal survey of residents throughout the City of Lodi, asking the question, "What is your number one civic concern which may personally effect you and/or your neighborhood?"

From that survey, 268 responses were received, and the results were shared with the City Council by Community Improvement Manager Wood and Lodi East Side Improvement Committee Chairperson, Virginia Lahr.

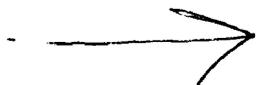
Questions were posed by the City Council regarding the method of the survey. This matter was for information only; therefore, there was no Council action required.

10. ORDINANCES

None.

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Mike D. McIntyre, co-owner of the 5-0 Skate Park, 615 West Locust Street, Lodi, informed the City Council that, due to an accident involving a youngster, the skate park will be closing on February 28, 1999. As a result of this accident, the youth sued the City of Lodi, which in turn was turned over to the insurance company. Mr. McIntyre feels that a travesty occurred when the City told the insurance company to sue Mr. Miller, the owner of the property. Lodi has lost a thriving business and a fun activity for the youth of this community. Unfortunately, Mr. Miller cannot find another facility to rent in the same price range and cannot get insurance because of this pending law suit.



*Continued February 17, 1999*

City Manager Flynn stated that staff has been working on alternative solutions that will be brought back at a later time. Further, City Attorney Hays responded to questions regarding the exempting of skateboard proprietors. There was a cap put on age, so they only have immunity for up to 14 years of age.

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

- a) Council Members voiced complaints about the selling of private vehicles on Lower Sacramento Road, between Vine Street and Tokay Street. They feel the City needs to do a better job of enforcement. City Manager Flynn responded that he will look further into the matter.
- b) Council Member Hitchcock apologized to citizens for not returning a lot of her phone calls. She had a problem with her voice mail box, which has now been corrected, and she will return her phone calls.
- c) City Manager Flynn sent condolences to the family of Marlene Burton-Knapp, a retired 27-year employee of the Lodi Police Department, who passed away last week.

13. CLOSED SESSION

Mayor Land adjourned the City Council meeting to a Closed Session to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. *Fireman's Fund Insurance Company v. City of Lodi, et al.*, United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN
- b) Prospective lease of City property (275± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are Pro Style Sports and the City of Lodi. Price and terms of the lease are under negotiation.

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 11:05 p.m., and Mayor Land disclosed that there were no final actions taken in these matters.

15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Land adjourned the meeting at approximately 11:05 p.m.

ATTEST:

Alice M. Reimche  
City Clerk

CITY HALL  
221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6701  
(209) 333-6807 FAX

CITY OF LODI  
CITY ATTORNEY'S OFFICE

RANDALL A. HAYS  
City Attorney  
JOHN M. LUEBBERKE  
Deputy City Attorney



February 22, 1999

Mr. Mike McIntyre  
615 W. Locust Street  
Lodi, CA 95240

Re: Skateboard Injury Immunity

Dear Mr. McIntyre:

During your presentation to the City Council on February 17, 1999, you suggested that there has been some change in the law relative to liability for cities due to injuries sustained by skateboarders. My response to your representation was that yes in fact there had been an attempt to provide some comfort to cities, but that the particular piece of legislation was conditioned in certain ways which when scrutinized closely, provided little comfort.

I have included with this letter for your review §115800 of the California Health and Safety Code. This is the particular piece of legislation that became effective January 1, 1998. Subsection (d) is the portion of that section which seeks to provide the comfort you spoke of. You will note that skateboarding is deemed a hazardous recreational activity if certain conditions are met. If those conditions are met there would be immunity in place for the city. However, a close scrutiny of the conditions that are in place demonstrate as I indicated that if any immunity exists at all, it is fairly limited and is extremely fact driven. I would also point out that the section is very specific in that it only relates to skateboards. A lot of the activities at your park as well as others I am sure, are undertaken by individuals on rollerblades. This section clearly does not apply to those who may be rollerblading.

After you have reviewed this section, if you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Randall A. Hays". The signature is written in a cursive, flowing style.

RANDALL A. HAYS  
City Attorney

RAH/pn

cc: City Council  
City Manager

Historical and Statutory Notes

1996 Legislation Subordination of legislation by Stats.1996, c. 1023 (S.B. 1497), see Historical and Statutory Notes under Business and Professions Code § 690.

§ 115800. Skateboard parks.

Text of section operative until Jan. 1, 2003.

(a) No operator of a skateboard park shall permit any person to ride a skateboard therein, unless that person is wearing a helmet, elbow pads, and knee pads.

(b) With respect to any facility, owned or operated by a local public agency, that is designed and maintained for the purpose of recreational skateboard use, and that is not supervised on a regular basis, the requirements of subdivision (a) may be satisfied by compliance with the following:

(1) Adoption by the local public agency of an ordinance requiring any person riding a skateboard at the facility to wear a helmet, elbow pads, and knee pads.

(2) The posting of signs at the facility affording reasonable notice that any person riding a skateboard in the facility must wear a helmet, elbow pads, and knee pads, and that any person failing to do so will be subject to citation under the ordinance required by paragraph (1).

(c) "Local public agency" for purposes of this section includes, but is not limited to, a city, county, or city and county.

(d) (1) Skateboarding at any facility or park owned or operated by a public entity as a public skateboard park, as provided in paragraph (3), shall be deemed a hazardous recreational activity within the meaning of Section 831.7 of the Government Code if all of the following conditions are met:

- (A) The person skateboarding is 14 years of age or older.
(B) The skateboarding activity that caused the injury was stunt, trick, or luge skateboarding.
(C) The skateboard park is on public property that complies with subdivision (a) or (b).

(2) In addition to the provisions of subdivision (c) of Section 831.7 of the Government Code, nothing in this section is intended to limit the liability of a public entity with respect to any other duty imposed pursuant to existing law, including the duty to protect against dangerous conditions of public property pursuant to Chapter 2 (commencing with Section 830) of Part 2 of Division 3.6 of Title 1 of the Government Code.

(3) For public skateboard parks that were constructed on or before January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998, and before January 1, 2001. For public skateboard parks that are constructed after January 1, 1998, this subdivision shall apply to hazardous recreational activity injuries incurred on or after January 1, 1998, and before January 1, 2003. For purposes of this subdivision, any skateboard facility that is a movable facility shall be deemed constructed on the first date it is initially made available for use at any location by the local public agency.

(4) The appropriate local public agency shall maintain a record of all known or reported injuries incurred by a skateboarder in a public skateboard park or facility. The local public agency shall also maintain a record of all claims, paid and not paid, including any lawsuits and their results, arising from those incidents that were filed against the public agency. Beginning in 1999, copies of these records shall be filed annually, no later than January 30 each year, with the Judicial Council, which shall submit a report to the Legislature on or before March 31, 2000, on the incidences of injuries incurred, claims asserted, and the results of any lawsuit filed, by persons injured while skateboarding in public skateboard parks or facilities.

(5) This subdivision shall not apply on or after January 1, 2001, to public skateboard parks that were constructed on or before January 1, 1998, but shall continue to apply to public skateboard parks that are constructed after January 1, 1998.

(e) This section shall remain in effect until January 1, 2003, and as of that date is repealed, unless a later enacted statute, enacted before January 1, 2003, deletes or extends that date.

(Added by Stats.1995, c. 415 (S.B.1360), § 6. Amended by Stats.1997, c. 573 (A.B.1296), § 1.)

Repeal. This section is repealed by its own terms on Jan. 1, 2003. For text of section operative Jan. 1, 2003, see Health and Safety Code § 115800, post.

Additions or changes indicated by underline, deletions by asterisks