



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Development of Scope of Work and Cost Estimate for Proposal by Freedman, Tung, & Bottomley for Downtown and Cherokee Lane Revitalization Programs

MEETING DATE: November 17, 1993

PREPARED BY: City Manager

RECOMMENDED ACTION: That the City Council authorize and direct staff to prepare a Scope of Work and Cost Estimate with the urban planning firm of Freedman, Tung, and Bottomley (FTB) for Downtown Revitalization and Cherokee Lane Improvement projects.

BACKGROUND INFORMATION: On August 6, 1993, Michael Freedman, Principal of FTB, presented a "Downtown Revitalization Symposium" and on November 5, 1993, a "Cherokee Lane Improvement Symposium." The response from business owners and other members from the community has been extremely positive. The consensus recommendation is that the City begin to research the feasibility of retaining the services of FTB for downtown revitalization and Cherokee Lane improvement projects.

In order to determine the extent of the possible project costs, it is requested that staff be authorized to work with FTB to develop the Scope of Work. Attached is a reference list of FTB clients.

FUNDING: None required at this time.

Respectfully submitted,

Thomas A. Peterson
City Manager

Prepared by Janet S. Keeter
Economic Development Coordinator

TAP/JSK:br

Attachment

CCCOM864/TXTA.07A

APPROVED _____

THOMAS A. PETERSON
City Manager



recycled paper

**FREEDMAN
TUNG &
BOTTOMLEY**

Urban Design & Planning
District Revitalization
Street & Plaza Design

REFERENCES

- **Mr. Bruce Liedstrand**
City Manager
City of Cathedral City
P.O. Box 5001
Cathedral City, California 92235
(619) 770-0372
- **Mr. Lynnle Melena**
Senior Urban Planner
City of Mountain View
500 Castro Street
P.O. Box 7540
Mountain View, California 94039
(415) 903-6306
- **Mr. Jeff Foltz**
City Administrator
Ms. Laura Duncan
Redevelopment Coordinator
City of Yuba City
1201 Civic Center Boulevard
Yuba City, California 95993
(916) 741-4601
- **Mr. Joel Patterson**
Planning Director
Mr. Charles Jany
Principal Planner
City of Redwood City
Planning Division
1017 Middlefield Road
Redwood City, California 94063
(415) 780-7234
- **Ms. Margaret Mullen**
Executive Director
Downtown Phoenix Partnership
502 East Monroe St., Suite C1
Phoenix, NV 85004
(602) 254-8696
- **Mr. Steve Goodhue**
Executive Director
Ames Chamber of Commerce
125 South Third St.
P.O. Box 450
Ames, IA 50010
(515) 232-2310
- **Mr. Don Duckworth**
City Manager
City of Arcadia
240 West Huntington Drive
Arcadia, CA 91007
(818) 574-5401
- **Ms. Diana Whitecar**
Program Development Director
San Jose Redevelopment Agency
101 Park Center Plaza, Suite 800
San Jose, California 95113
(408) 277-5823
- **Mr. Everett Millais**
Director of Community
Development
City of San Buenaventura
501 Poli Street
P.O. Box 99
Ventura, California 93002-0099
(805) 654-7800 x626
- **Mr. Don Duckworth**
City Manager
City of Arcadia
240 West Huntington Drive
Arcadia, California 91007
(818) 574-5401

47 Kerry Street
Suite 500
San Francisco, CA
94108-5527
415.291.9455



**DISTRICT
CHAMBER OF COMMERCE**

November 17, 1993

Honorable Mayor Phil Pennino
Councilmembers
City of Lodi
P.O. Box 3006
Lodi, CA 95241

Dear Mayor Pennino and Councilmembers:

The Board of Directors of the Lodi District Chamber of Commerce urge the Lodi City Council tonight, to authorize and direct staff to prepare a Scope of Work and Cost Estimates with the urban planning firm of Freedman, Tung and Bottomley for Downtown Revitalization and Cherokee Lane improvement projects.

During the past two years a Chamber Cherokee Lane Business Committee directed by Richard Sanborn has been involved in efforts to revitalize Cherokee Lane. The Chamber has also endorsed efforts by the Lodi Downtown Business Association to upgrade Downtown Lodi.

Based on a series of meetings with Michael Freedman, the Chamber believes that his firm has the background, experience and proven track record to play a vital part in the revitaliation of Downtown Lodi and Cherokee Lane. Both of these areas creates jobs; generates together the majority of the City's sales tax revenues; and are beneficial in many other ways to the citizens of Lodi.

In addition to urging that the City Council move forward tonight with the firm of Freedman, Tung and Bottomley, the Chamber desires to continue to be an active partner with businesses, property owners and the City of Lodi, and upgrading both Downtown Lodi and Cherokee Lane.

Sincerely,


Ray Hirning
President



 CITY OF LODI ADMINISTRATION	ACTION SLIP
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TO: <i>Council</i>	DATE: <i>11/17</i>																		
FROM: <i>Kevin Sues / Shaffer, Sues & Boyd</i>	TIME: <i>2:23</i>																		
FOR ACTION INDICATED: <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> As Requested</td> <td><input checked="" type="checkbox"/> Phoned</td> <td><input type="checkbox"/> For Typing</td> </tr> <tr> <td><input checked="" type="checkbox"/> Information</td> <td><input type="checkbox"/> Returned Your Call</td> <td><input type="checkbox"/> For Filing</td> </tr> <tr> <td><input type="checkbox"/> Comment</td> <td><input type="checkbox"/> Was in Office</td> <td><input type="checkbox"/> For Mailing</td> </tr> <tr> <td><input type="checkbox"/> Approval</td> <td><input type="checkbox"/> Will Call Back</td> <td><input type="checkbox"/> Copy/Print Requested</td> </tr> <tr> <td><input type="checkbox"/> Return</td> <td><input type="checkbox"/> Please Phone</td> <td><input type="checkbox"/> For Your Signature</td> </tr> <tr> <td><input type="checkbox"/> Let's Discuss</td> <td><input type="checkbox"/> Please Contact</td> <td><input type="checkbox"/> Please Take Care of This</td> </tr> </table>		<input type="checkbox"/> As Requested	<input checked="" type="checkbox"/> Phoned	<input type="checkbox"/> For Typing	<input checked="" type="checkbox"/> Information	<input type="checkbox"/> Returned Your Call	<input type="checkbox"/> For Filing	<input type="checkbox"/> Comment	<input type="checkbox"/> Was in Office	<input type="checkbox"/> For Mailing	<input type="checkbox"/> Approval	<input type="checkbox"/> Will Call Back	<input type="checkbox"/> Copy/Print Requested	<input type="checkbox"/> Return	<input type="checkbox"/> Please Phone	<input type="checkbox"/> For Your Signature	<input type="checkbox"/> Let's Discuss	<input type="checkbox"/> Please Contact	<input type="checkbox"/> Please Take Care of This
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PHONE: _____ <small style="display: flex; justify-content: space-between; font-size: 0.8em;"> Area Code Number Extension </small>																			
REMARKS: <i>Shaffer, Sues & Boyd called to express its full endorsement of hiring Mr. Freedman w/ FTB.</i> <div style="text-align: right;"><i>[Signature]</i></div>																			



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance entitled, "An Ordinance of the City Council of the City of Lodi Adding a New Chapter 9.10 to the Lodi Municipal Code Relating to the Prohibition of Loitering by Minors During Certain Hours"

MEETING DATE: November 17, 1993

PREPARED BY: Bob McNatt, City Attorney

RECOMMENDED ACTION: Second reading/adoption of the attached curfew/loitering ordinance.

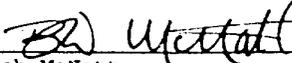
BACKGROUND INFORMATION: At its October 4, 1993 meeting, the City Council introduced Ordinance No. 1588, addressing a curfew/loitering statute. However, before final adoption, the Council directed staff to circulate the ordinance draft to organizations whose members might be subject to its provisions. That has now been done (please see attached mailing list).

To the date this communication was prepared, I have received only one written comment from a community organization other than the student newspaper at Tokay High School. A few individuals have called with questions as to its applicability, but the only verbal comments received have all been positive.

If adopted by the Council at the November 17, 1993 meeting, the ordinance would become effective 30 days thereafter.

FUNDING: Does not apply.

Respectfully submitted,



Bob McNatt
City Attorney

BM:cj

Attachments

CCLOIT/TXTA.01V

APPROVED: _____

THOMAS A. PETERSON
City Manager



Lodi Ministerial Association
Attn: Lyle Morris
Salvation Army
525 W. Lockeford Street
Lodi, CA 95240

Lodi Chapter Demolay
Lodi Masonic Temple
315 W. Pine Street
Lodi, CA 95240

Jobs Daughters
Bethel #276
Lodi Masonic Temple
315 W. Pine Street
Lodi, CA 95240

Rainbow for Girls
Lodi Masonic Temple
315 W. Pine Street
Lodi, CA 95240

4-H Club Council of
San Joaquin County
U.C. Cooperative Extension
420 S. Wilson Way
Stockton, CA 95205

Boy Scouts of America, Forty Niner Council
837 Shaw Road
Stockton, CA

Dr. Sam Swofford
Superintendent
Lodi Unified School District
1305 East Vine Street
Lodi, CA 95240

Boys' and Girls' Club of Lodi
P. O. Box 244
Lodi, CA 95241

Ms. Dee Porter
Chairman
Gang Alternative Project
103 Koni Court
Lodi, CA 95240

Greater Lodi Youth Commission
c/o Mayor Phillip A. Pennino
221 West Pine Street
Lodi, CA 95240

Boosters of Boys' and Girls' Sports
c/o Dave Akin
125 N. Stockton Street
Lodi, CA 95240

ORDINANCE NO. 1588
=====

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
ADDING A NEW CHAPTER 9.10 TO THE LODI MUNICIPAL CODE RELATING TO THE
PROHIBITION OF LOITERING BY MINORS DURING CERTAIN HOURS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 9.10, Loitering by Minors Prohibited During Certain Hours, is hereby added to the Lodi Municipal Code to read as follows:

Chapter 9.10
Loitering by Minors Prohibited During Certain Hours

9.10.010. Findings.

The City Council hereby finds and declares that the problems associated with minors loitering on City streets and in other public places between the hours of 11:00 p.m. and 5:00 a.m. is an increasing problem, creating a danger to both the public and to the minors by allowing such minors to be in contact with or have the opportunity for participation in street gangs, illegal drugs, and other unlawful activity while not under direct parental supervision. The City Council further finds and declares that the problems associated with such juvenile loitering impair the use and enjoyment of public and private property by law abiding citizens, create enforcement problems for police, and generally make the City a less desirable place to live. It is therefore necessary for the City Council to protect both the members of the public and the minors who are at risk by regulating certain conduct by minors while in designated public places. It is not the intention of the City Council to place restrictions upon minors while in such public places which involve legal and constitutionally protected activities.

9.10.020. Loitering by Minors Prohibited During Certain Hours.

It shall be unlawful for a minor, as defined herein, to loiter in any public place within the City between the hours of 11:00 p.m. and 5:00 a.m. of the following day, subject to the definitions and exceptions contained in this Chapter.

9.10.030. Responsibility of Parents or Guardians.

It shall be unlawful and a misdemeanor for any parent or guardian having the legal care or custody of a minor to knowingly allow or permit such minor to violate the provisions of this Chapter.

9.10.040. Definitions.

For purposes of this Chapter, the following definitions shall apply:

1. "Loiter" shall mean the lingering for the specific purpose of committing a crime or crimes as the opportunity may be discovered.
2. "Public place" shall mean any street, sidewalk, alley, park, outdoor recreation facility, or other similar publicly-owned property generally open to the public, and shall also include privately-owned property customarily open to the public, including but not limited to restaurants, malls, and parking lots, but shall not include theaters, arcades or similar places of supervised amusement.
3. "Emergency" shall mean an unforeseen situation involving the health, safety, or welfare of the minor, of the minor's employer, or a member of the minor's immediate family, and which requires the minor to be present in a public place between the hours of 11:00 p.m. and 5:00 a.m. of the following day.
4. "Minor" shall mean a person under the age of eighteen years.

9.10.050. Exemptions/Exceptions.

This Chapter shall not apply under the following circumstances to minors:

1. Emancipated pursuant to the provisions of California Civil Code Section 64 et seq. or similar statutes of another State.
2. Accompanied by a parent, guardian or other adult having legal care or custody of said minor.
3. Upon a specific, legitimate errand at the direction of a parent or guardian having the care or custody of a minor, while such minor is actually and directly carrying out such errand.
4. Going directly to or coming directly from a place of public amusement, school function, or place of employment, with the knowledge and consent of the minor's parent or guardian.
5. Present in a public place because of an emergency, as defined herein, while actually dealing with or responding to such emergency.

9.10.060. Circumstances Manifesting Intent to Loiter.

Circumstances or factors which may create a presumption of violation of this Chapter as it applies to determining intent to loiter, include but are not limited to the following:

1. The minor's presence in a public place known by police as a location in which illegal drug-related activity occurs or has occurred;
2. The minor's presence in a public place known by police as a location in which street gang members customarily congregate;
3. The minor's presence in a public place, without a legitimate reason, after such minor has been found in such public place, admonished or advised of this ordinance by a police officer and given the opportunity to leave such public place(s). The presumption created by this paragraph shall be valid only if the advisement or admonishment occurs during the same 11:00 p.m. to 5:00 a.m. period specified above, as any alleged violation;
4. The minor's presence in a public place with or in a group wherein two or more persons are wearing or displaying street gang paraphernalia. For purposes of this Chapter, "gang paraphernalia" shall include distinctively-colored, styled or marked clothing, hats, bandannas, emblems, or symbols intended by the wearer to identify that person as a member of or associated with a known street gang;
5. The minor's presence in a vehicle which has been observed by police to drive past one specific location in the City more than twice during any single period of time between 11:00 p.m. and 5:00 a.m. of the following day. The presumption created by this paragraph shall be valid only if the observation by police occurs during the same 11:00 p.m. to 5:00 a.m. period specified above as any alleged violation.

9.10.070. Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this Chapter should be declared invalid or unconstitutional, then the original ordinances shall be in full force and effect.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. 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 be in force and take effect thirty days from and after its passage and approval.

Approved this 17th day of November, 1993



PHILLIP A. PENNINO
Mayor

Attest:


JENNIFER M. PERRIN
City Clerk
=====

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1588 was introduced at a regular meeting of the City Council of the City of Lodi held October 6, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held November 17, 1993, 1993 by the following vote:

- Ayes: Council Members - Davenport, Mann, Sieglock. Snider and Pennino (Mayor)
- Noes: Council Members - None
- Absent: Council Members - None
- Abstain: Council Members - None

I further certify that Ordinance No. 1588 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
City Clerk

Approved as to Form



BOBBY W. McNATT
City Attorney

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

November 9, 1993

Chief Larry D. Hansen
Lodi Police Department
230 W. Elm Street
Lodi CA 95240

Dear Chief Hansen,

The Lodi Youth Commission would like to lend its support to the creation of a curfew for youth in the City of Lodi. The Youth Commission, structured as a board appointed from both the City of Lodi and the Lodi Unified School District, is concerned with focusing educational and recreational opportunities for area youth.

The Youth Commission is committed to supporting the local police department in their quest to best manage our City's young population.

Sincerely,



Lodi Youth Commission
Members including:

Gary Alegre	Gary Lund
Nancy Dobler	Debra Parkins
Marilyn Field	Phillip Pennino
Mary Fritts	William Pirtle
Jeff Glenn	Rick Souza
Charlene Lange	



TOKAY HIGH SCHOOL

Student Government

1111 W. Century Boulevard
Lodi, California 95240
(209) 331-7898

November 16, 1993

Dear Mr. Phillip A. Pennino,

We are writing on behalf of the Tokay Student Government in regards to ordinance No. 1588. After reviewing the loitering proposal, we have come to the following conclusions:

First of all this law will make it possible for police officers to pick up minors who involve themselves in gang and drug activities in public places. We feel that by apprehending these unlawful minors who choose to violate this law will encourage their parents to be more involved and concerned about their child's welfare. Another positive aspect of the ordinance is the enforcement of the public's rights to a safe community between the hours of 11pm to 5am.

Along with the positive aspects we have also discovered a few "open ends" to this ordinance. We are concerned about how police officers will be enforcing this ordinance. Also, we would like some assurance as to what might happen to repeated offenders. We would like to see some type of counseling offered to the offender and their family.

Overall, we believe the ordinance has good intentions, and will serve the public in a positive manner. We thank you for your consideration of the views and opinions of the Tokay High Student Government.

Sincerely,
Tokay High Student Government

K-2

RECEIVED

November 16, 1993

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RECEIVED

CITY OF LODI

Dear Mayor Pennino,

Thank you for your involvement with the Lodi Academy Student Government concerning Ordinance 1588, a new Chapter 9.10 in the Municipal Code relating to the prohibition of loitering by minors during certain hours.

The Lodi Academy Student Government unanimously approved of Ordinance number 1588 and are in favor of the passing of this ordinance. We feel that this proposal will assist in helping the City of Lodi be a safer place to live. However, many concerns were brought up by the members of the Student Government, and we feel that we should share some of these concerns with you.

Our first concern is that under Chapter 9.10.060., part 5, a police officer may mistakenly pull over a vehicle that has not been driving past a certain location more than twice. A "No cruising" rule is more clearly understood to those who may violate this code.

Another concern is that if a minor is taken down to the police station to wait for his/her parents, the accompanying officer will be off the streets waiting with the minor instead of continuing regular designated duty.

These are our main concerns about Ordinance 1588. Thank you for including us in the participation of this public concern. We hope you will contact us again.

Sincerely,



Erik Payne, chairman

Chad Bunch, 12th grade representative

Lodi Academy Student Government