

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, APRIL 2, 1997
7:00 P.M.**

1. ROLL CALL

Present: Council Members - Land, Mann, Sieglock, Warner and Pennino (Mayor)

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Ronsko, City Engineer Prima, Community Development Director Bartlam, Parks and Recreation Director Williamson, Police Chief Hansen, City Attorney Hays and City Clerk Perrin

2. INVOCATION

The invocation was given by Council Member Warner.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Pennino presented a proclamation to Matthew Murray and Malcolm Davison with the Lodi Boys and Girls Club proclaiming the week of April 6 - 12, 1997 as "National Boys and Girls Club Week" in the City of Lodi. Mr. Murray explained that this week is for clubs nationwide to promote their activities and invite the citizens to view their programs and be a part of the activities. On Friday, April 11, 1997 the Boys and Girls Club, at 275 Poplar Street, will host a barbecue, and KWIN radio station will be there promoting the event.
FILE NO. CC-37
- b) Associate Traffic Engineer Fernandez presented the City Council with the newly designed and manufactured Downtown guide signs. Les Dabritz, Executive Director, and Bruce Sasaki, President, Lodi District Chamber of Commerce and Tony Segale, President, Lodi Downtown Business Association (LDBA), presented Mayor Pennino with contributions of \$500 each toward the purchase of these signs, which will be placed throughout the City directing motorists to the Chamber of Commerce, Visitors Bureau, Civic Center and Downtown. Ms. Fernandez informed the City Council that Tony Segale provided the artwork and Gary's Signs and Screen Printing printed the signs.
FILE NO. CC-6, CC-7(k) AND CC-72
- c) Associate Traffic Engineer Fernandez presented the City Council with the Officer Roadway Traffic Safety Program. The Public Works and Police Departments are working together in creating an interactive traffic safety program to educate school-age children on pedestrian and bicycle issues. The program is designed to target kindergarten through sixth grades. The funding, which comes from the Office of Traffic Safety, will provide education to eight local schools, provide free bicycle helmets to those who cannot afford them, and conduct fun, educational rodeos, all to reduce the number of bicycle and pedestrian accidents. Officer Rick Cromwell presented the Council with packets that will be given to school children and explained the "Officer Safety, Cool School Safety Rules" poster that was created for the program. The Electric Utility Department assisted in the program by designing a fully-working traffic signal light to aid in the demonstrations.

Officer Lee Patterson shared that each educational packet will contain, in addition to the poster, a pencil and ruler set with the Program logo created by Officer Robin L' Hoir-Burcell, a map with suggested routes to and from school created by the Public Works Department, a coloring book and sticker to remind children to buckle their seat belts furnished by AAA, and a fingerprint and identification card provided by Chevron. Community Service Officer Fuhs explained the rodeo portion of the program. The children will be taken to a closed street to go through the exercises needed for skills on the road and to allow them to ride on the street to show where they should be riding and how to go around parked cars. The program will also teach the children that a lot of bicycle accidents do not involve cars. The rodeos will be both informative and fun for the kids. All of the children will wear bicycle helmets, and those who cannot afford one will be provided with a free helmet. Most important, everyone, including adults, need to use the safety rules and set an example for younger children.

FILE NO. CC-6, CC-24(b) AND CC-66

- d) John Griffin with the Lodi City Swim Club presented Mayor Pennino with a check in the amount of \$2,500 towards repayment of its loan from the City of Lodi. Mr. Griffin introduced three local swimmers who recently competed in the Texas Junior Nationals.
FILE NO. CC-6

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Sieglock, Mann second, unanimously approved the following items hereinafter set forth **except those otherwise noted**, and moved agenda item #E-14 to the end of the agenda:

- a) Claims were approved in the amount of \$2,164,622.31.
FILE NO. CC-21(a)
- b) The minutes of March 19, 1997 (Regular Meeting) were approved as written.
- c) Approved the specifications for bids for four 1500KVA, one 750KVA and two 500KVA three-phase padmount transformers and authorized advertising for bids.
FILE NO. 12.1(b)
- d) Approved the specifications for bids for a utility vehicle for the White Slough Water Pollution Control Facility and authorized advertising for bids.
FILE NO. CC-12.1(b)
- e) Adopted Resolution No. 97-35 rejecting the bids received for playground surface materials for English Oaks and Candy Cane Parks and authorized the readvertising for bids.
FILE NO. CC-12(b), CC-12.1(c) AND CC-300
- f) Adopted Resolution No. 97-36 authorizing the purchase and installation of Phase I of the Police Department's Mobile Data Communications System from Motorola in the amount of approximately \$260,000 and authorized the Police Department to purchase equipment and installation services under Phases 2, 3 and 4 of the project provided the costs for Phases I through 4 do not exceed \$526,149.00 of the Federal Crime Bill Grant previously awarded.
FILE NO. CC-12(d) AND CC-300

Continued April 2, 1997

- g) Adopted Resolution No. 97-37 authorizing the purchase of automated recreation software through a sole source vendor and hardware through the California Multiple Award Schedule (CMAS).
FILE NO. CC-12(d) AND CC-300
- h) Adopted Resolution No. 97-38 rescinding the contract award to Tri-Valley Construction and re-awarding the contract for 1997 Sidewalk Repair Program and Miscellaneous Concrete Work to Popuch Concrete Contracting, Inc. in the amount of \$48,670.
FILE NO. CC-12(a) AND CC-300
- i) Received Contract Change Orders for Hutchins Street Square Conference and Performing Arts Center, 125 South Hutchins Street.
FILE NO. CC-90
- j) Received Contract Change Order for the purchase of three sizes of circuit-protected polemount transformers.
FILE NO. CC-90
- k) Adopted Resolution No. 97-39 authorizing staff to solicit proposals for City Broker of Record for employee benefits.
FILE NO. CC-34 AND CC-300
- l) Adopted Resolution No. 97-40 amending Section 2(C) of Traffic Resolution No. 87-163 by approving the conversion from yield signs to stop signs on Sunset Drive at Walnut Street.
FILE NO. CC-48(h), CC-48(i) AND CC-300
- m) Adopted Resolution No. 97-41 certifying the availability of \$15,200 in Measure K funds to be used for the ten percent local match required for the Bicycle Lane Account (BLA) application submitted to construct a bicycle and pedestrian path along the Century Boulevard alignment across the Southern Pacific Railroad tracks (use of funds will depend on approval of project by Caltrans and the Public Utilities Commission).
FILE NO. CC-6, CC-21(a) AND CC-66
- n) Agenda item #E-14 entitled, "Lead Agency Agreement for acquisition/ownership/construction of the Lodi Multimodal Station Site and resolution supporting Stockton/Sacramento rail service" was removed from the Consent Calendar and discussed and acted upon at the end of the agenda. (Removed by Council Member Sieglock.)
- o) Authorized the City Manager to execute a professional services contract with The MIS Department for the development of a graffiti tracking system for the City's Graffiti Abatement Program.
FILE NO. CC-90
- p) Agenda item #E-16 entitled, "Approve Federal Transit Administration (FTA) 1996-97 Program of Projects" was pulled from the agenda pursuant to staff's request.
- q) Agenda item #E-17 entitled, "Reject Cal-Boating grant offer" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by public request.)
- r) Introduced Ordinance No. 1647 designating specified hazardous chemicals as nuisances.
FILE NO. CC-6, CC-24(b), CC-119 AND CC-149

Continued April 2, 1997

- s) Authorized the issuance of subpoenas based upon the recommendation of the Contamination Advisory Committee to Lumberman's Mutual Casualty Company and the California Fabricare Institute.
FILE NO. CC-4(a) AND CC-6
 - t) Authorized the Finance Director to write off uncollectable utility accounts in the amount of \$20,352.09 (\$2,121.74 for accounts where the responsible party is deceased; \$18,230.35 for accounts where the responsible party has completed bankruptcy).
FILE NO. CC-21(a)
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6. ACTION ON AGENDA ITEM #E-17

- a) The City Council, on motion of Council Member Mann, Sieglock second, unanimously accepted the recommendation of the Parks and Recreation Commission to reject the Cal-Boating Grant offer for the Lodi Lake Boat Launching Facility.

In regards to the five mile per hour speed limit, the City Council agreed that it shall be the Parks and Recreation Commission's decision on whether or not it will hear the matter.

Council Member Warner stated for the record that, although he personally feels it would be a mistake to reject the grant because the money is desperately needed to fix up the area around the lake, the public has overwhelmingly spoken to reject the grant. Mr. Warner feels he was elected to speak on behalf of the public, and therefore, he will be voting in favor of returning the Cal-Boating Grant.

Speaking on the matter were the following persons:

1. Del Smith, 2505 West Turner Road, Lodi, expressed his idea for a riverboat to conduct historical tours and to enhance the winegrape area. After discussing the idea with Parks and Recreation, he presented his idea to local residents. A vast majority indicated they would be in favor of such an idea, and only a few were opposed. During hearings regarding the boat ramp, two major complaints were voiced: 1) a majority of the people were against the plan submitted because it ruined the area; and 2) people were opposed to the abuse, use and lack of control over the river, erosion, speed, etc. Mr. Smith then came up with a revised plan for the lake that addresses the development on the west side. Mr. Smith stated it would be a missed opportunity if the money was sent back, and is in favor of keeping the money and improving the west side of the lake. As a community, do what is best for the river;
2. Donna Phillips, representing the Friends of Lodi Lake, 1040 Laurel Avenue, Lodi, pointed out to the public that the article in the Lodi News Sentinel does not accurately reflect the group's position;
3. George Newmarch, P.O. Box 355, Lodi, compared his living near the boat ramp in Lodi to previously living by a boat ramp in another town. There was a tremendous amount of noise near this boat ramp; however, Lodi is a very quiet town. Putting in this boat ramp would change that;
4. Alicia MacGill, 416 Forrest Avenue and Debbie Kanady, 500 East Oak Street, Lodi, both expressed their opinion that it would be a bad idea to put in a boat ramp. Many people go to the lake to have picnics and relax. They go there for the quiet and to enjoy the lake;

5. Bing Taylor, 1430 Holly Drive, Lodi, spoke against Mr. Smith's "Plan B" for the lake. A five mph speed limit would be wonderful, if it was enforceable. Both the Lodi Police Department and the Sheriff have gone on record that they cannot enforce a speed limit on the river. We have a five mph speed limit now, but no one knows it. If Lodi accepts this grant money, we will lose control over the lake, and we would have to use the money for boats. Reject the grant;
6. Pat Stocker, P.O. Box 673, Victor, agreed with the recommendation of the Parks and Recreation Commission to return the grant money. The additional boat traffic on the river would hurt the area;
7. W.H. Libbey, 1320 Rivergate Drive, Lodi, reiterated his objection to adding another boat ramp, regardless of where it is located. Vote no on the grant;
8. Vi Riggle, 712 North Cross Street, Lodi, stressed that a boat ramp would ruin the serenity of a quiet and peaceful place. The lake is already ruined during the Fourth of July event with the fence around the lake, the prohibiting of people from bringing their own food and beverages to the event, and the noise from the boat races. If you do the boat ramp, the only people that will be there are boaters;
9. John Donati, 1217 Edgewood Drive, Lodi, has already given letters to the City Council on where he stands on this issue--send the money back;
10. Jay Bell, 335 Louie Avenue, Lodi, spoke in favor of speed regulations and in opposition to building a bigger boat ramp. Mr. Bell suggested that the Council not turn down the grant until it has more time to hear about alternate plans;
11. Mike Hakeem, speaking on behalf of a number of the property owners along the Mokelumne River, 2800 West March Lane, Stockton, requested that the City Council follow the majority of the public and vote to return the grant money. This matter has been discussed many times since 1995 by the Parks and Recreation Commission, the grant writer, the Lodi Police Chief, the Sheriff and the public. The community has had a great deal of public dialogue and has spoken overwhelmingly to reject this grant;
12. Theodore Hutz, 1250 Rivergate Drive, Lodi, spoke in support of the Parks and Recreation Commission's recommendation to reject the Cal-Boating grant. The public has expressed itself at great length. Further, there should be no linkage between the speed limit and the ramp. We have a ramp, and we do not need another or bigger one;
13. Tony Alegre, 1630 Edgewood Drive, Lodi, expressed his opinion that the existing ramp is adequate, and further, he does not support the five mph speed limit on the river. People relieve stress in different ways--his is a jet ski. People point out that the river is dangerous, and that shows a need to educate people about river safety. Erosion is another main concern. The river itself is half man-made and half a natural setting. Erosion is a natural process in a river, especially these past two years with the two major storms that came through California. We should reject the grant and begin educating people about river safety;
14. Robert Raingruber, speaking on behalf of the Friends of Lodi Lake, 127 Mokelumne River Drive, Lodi, commented on the Lodi News Sentinel article which has confused the public. The Friends of Lodi Lake officially oppose the boat launch at the lake. They have collected over 960 signatures supporting the return of the grant money; and

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15. Catherine Mellor, 1008 Laurel Avenue, Lodi, reminded the public that the ramp would be next to a cemetery which should be a quiet place. It has already experienced a lot of vandalism, and another boat ramp would just add to that.
FILE NO. CC-6, CC-27(c) AND CC-40

7. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 8:24 p.m.

8. PUBLIC HEARINGS

None.

9. COMMUNICATIONS (CITY CLERK)

- a) The City Council, on motion of Council Member Mann, Warner second, unanimously directed the City Clerk to post for the following vacancy:

Information Technology Committee

John Forberg
FILE NO. CC-2(a)

- b) The City Council, on motion of Council Member Warner, Mann second, unanimously made the following appointments:

Greater Lodi Area Youth Commission

student appointee:

Bobby Whitmire term to expire June 30, 1998

adult advisor:

Sherrie Handel term to expire June 30, 1998
FILE NO. CC-2(t)

- c) The City Council, on motion of Council Member Warner, Mann second, made the following appointment:

San Joaquin County Solid Waste Management Task Force

Council Member Keith Land
FILE NO. CC-2(a)

10. REGULAR CALENDAR

- a) Following discussion regarding the Lodi/Southern Pacific Railroad (SPRR) underpass, the City Council, on motion of Mayor Pennino, Sieglock second, unanimously directed staff, with the assistance of the San Joaquin County Council of Governments (COG), to create a list of alternative projects to the Lodi Avenue underpass and return to the City Council.

Speaking on the matter were the following persons:

1. Andrew Chesley, Deputy Executive Director for the San Joaquin County Council of Governments (COG), indicated he was one of the parties responsible for drafting the measure and ballot. One of the key factors was geographical equity. At the time Lodi did not have a tremendous amount of traffic problems, and there was a concern that projects be included for Lodi for balance. Therefore, the grade separation project was an important part of the plan. There are alternatives to look at other than grade separations, and the COG Board is sensitive to that; however, it would make sure that the other committed projects are funded first before looking at other options. There are other cities facing this type of problem, and the Board has high consideration in this regard;
2. Mike Lapenta, 1718 Edgewood Drive, Lodi, expressed his opinion that it would be the death of the downtown area by putting the underpass on Lodi Avenue. One alternative would be Lockeford Street, because it would cause less havoc. We are spending a lot of money downtown for this revitalization, and this would be a deterrent to what we are trying to accomplish;
3. Barbara McWilliams, 208 South School Street, Lodi, was previously opposed to the Lodi Avenue underpass and still is, even more so now with the downtown revitalization project. Downtown is the heart of Lodi. We need to keep the roads and the Multimodal station accesses open. The underpass would take away from the ambiance of the area. Look for alternative sources that could help in safety and in making the crossings better. At this point, she is not sure about using Lockeford Street;
4. Dave Rice, 10 North School Street, Lodi, echoed the comments; however, he does not feel that Lockeford Street is an option. That would just block the area at the other end. In September, 1992 Council deferred action on this item and said we would never see this issue again;
5. Richard Blackston, 518 Ribier, Lodi, agreed that the underpass would not be a viable solution for the downtown. Lockeford Street is also not a viable solution. The alternatives presented by staff are worth looking into. In his dealings with COG, he feels that if we came up with a feasible solution that would work for Lodi, COG would be supportive; and
6. Tony Segale, President, Lodi Downtown Business Association (LDBA), also expressed his opposition to an underpass on Lodi Avenue. It would not be fair to block businesses into a cul-de-sac due to the underpass after they have been assessed and are paying for the downtown revitalization. Use the money to take the tracks out of Lodi Avenue or towards the Multimodal station.
FILE NO. CC-6, CC-7(h) AND CC-45(f)

11. ORDINANCES

- a) Ordinance No. 1643 entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 3.20 of the Lodi Municipal Code by Adding Thereto Section 3.20.130 Relating to Vehicle Purchases and Disposition Exemption" having been introduced at a regular meeting of the Lodi City Council held March 19, 1997 was brought up for passage on motion of Council Member Mann, Warner second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Land, Mann, Sieglock, Warner and Pennino (Mayor)
Noes: Council Members - None
Absent: Council Members - None
FILE NO. CC-6 AND CC-149

12. ACTION ON AGENDA ITEM #E-14

- a) The City Council, on motion of Council Member Sieglock, Warner second, unanimously authorized the Mayor to execute the agreement with the San Joaquin Regional Rail Commission for the acquisition/ownership/construction of the Lodi Multimodal Station site and adopted Resolution No. 97-42 supporting Stockton/Sacramento rail service.
FILE NO. CC-6, CC-7(h), CC-90 AND CC-300

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Bob Johnson, speaking as *one* member of the Parks and Recreation Commission, 1311 Midvale Road, Lodi, commented regarding the five mph speed limit and reminded the Council that it appointed a task force to study this issue some time ago. It recommended to the Parks and Recreation Commission to place a five mph speed limit on the river. The Commission held hearings, agreed and forwarded its recommendation to the City Council. It was the Council who voted it down. If anything, this issue should come back to the Council. It has been a source of consternation for many years. Mr. Johnson agrees that he would not like to see the Measure K funds returned; however, boaters in the City of Lodi have been paying gas fees, and we just threw away \$400,000 of grant money.

City Attorney Hays reminded the City Council that the river is not within the City's jurisdiction, and we do not have the power to adopt this type of regulation. Should the San Joaquin County Board of Supervisors place a speed limit on the river, then we can discuss who will enforce it.
FILE NO. CC-6, CC-27(c) AND CC-40

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

- a) Council Member Mann commented that he has been told that the San Joaquin County Board of Supervisors would place a five mph speed limit on the river if the City of Lodi petitions it to do so. However, he is not interested in doing that. Further, Mr. Mann acknowledged the passing away of former Council Member and Mayor Ben Schaffer, who had made tremendous contributions to this community. His legacy will be found in the people that came into contact with him and the people he helped, mentored and encouraged. He truly was a pillar of this community.
FILE NO. CC-6, CC-27(c) AND CC-40
- b) Council Member Land also expressed sympathy to the Schaffer family. He was a friend to the City of Lodi, and no one will ever be able to fill his shoes. He and his wife, Marcia, send God's blessing to the Schaffer family during this difficult time. Further, Mr. Land recently attended the Chamber of Commerce Street Faire Committee meeting. The Chamber appreciates staff's assistance in working to reorganize the booths and set up of the faire during the downtown construction. At the meeting, the committee asked questions about the feasibility of installing a sign in the vicinity of Oak and School Street in memory of past-president Ray Hirning who passed away recently. The money from the booth would go into a memorial fund. Staff was directed to look into the matter and report back to the City Council.
FILE NO. CC-7(k)

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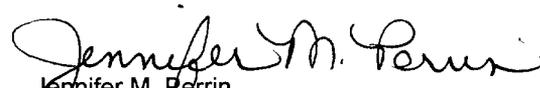
- c) Council Member Sieglock also expressed his sympathies to the Schaffer family and appreciated his contributions to the community. Further, Mr. Sieglock commented on an article he received in his mail this week regarding the wine war in San Francisco involving Kendall Jackson and Gallo. In the article Kendall Jackson insults Lodi grapegrowers by saying our grapes are not as good. Our grapes are used in the industry extensively, and our wines are winning awards all over the state and nation. Lodi citizens should not accept this insult, and, therefore, not buy Kendall Jackson wines. In response to Mr. Johnson's comment regarding the correlation between Measure K and the Cal-Boating grant, there is a vast difference between the two. With Measure K funds, we have local control and jurisdiction; however, with the other grant we lose our local control to the State. We should be able to use our tax dollars in the manner that the City wants.
FILE NO. CC-6 AND CC-16
- d) Mayor Pennino agreed with Council Member Sieglock regarding Lodi's wines. This week staff met with the Lodi-Woodbridge Winegrape Commission and discussed mutual issues of importance, including transportation and air quality, tourism and open space. We will be building upon those issues with them and will be hearing more about this in the future. Further, the Downtown Revitalization is going great; however, he is getting a little uneasy that the project will be done without having new businesses in the area. Staff needs to start parallel work to attract more businesses. Mayor Pennino reminded City Council and staff that there is a Joint Meeting with the Lodi Arts Commission on Monday, April 7, 1997. Finally, there is an opportunity to appoint a citizen to the San Joaquin Valley Air Pollution Control District Citizens Committee, which deals with air quality issues. If the Council knows of anyone interested, give him a call.
FILE NO. CC-2(a), CC-6, CC-72 AND CC-400
- e) Council Member Mann agreed with Council Member Sieglock regarding Kendall Jackson's insult on Lodi's grapes. Stating we owe it to the winegrape growing community to register our offense to the comment. He encouraged the Mayor to write a letter to Kendall Jackson to let him know that we are upset about it. Further, Mr. Mann announced that the Library Board voted at its last meeting to rename the community room in the Library for former Library Board Trustee, C.M. "Bud" Sullivan.
FILE NO. CC-6
- f) Mayor Pennino concurred that a letter should be sent to Kendall Jackson; however, he would like input on the letter from Mark Chandler, Executive Director of the Lodi-Woodbridge Winegrape Commission.
FILE NO. CC-6
- g) Council Member Warner also expressed his sympathies to the Schaffer family. Further, Mr. Warner agrees on the wine issue. Not only do we need to protest the buying of this wine and write a letter, we should encourage the citizens of Lodi to write a letter to Kendall Jackson as well.
FILE NO. CC-6
- h) City Manager Flynn announced that there are three birthdays this week: Mayor Pennino, Deputy City Manager Keeter and Community Improvement Manager Woods. Also, next week there will be a meeting with Mayor Pennino, Council Member Mann and the Cherokee Lane merchants regarding the Cherokee Lane construction project. In addition to discussing the project, staff would like to assure the people on Cherokee Lane that the project is the one voted on by the public. It has not been altered. Finally, the City of Lodi has been challenged to a baseball game against the Chamber of Commerce following the Modesto A's game on Saturday, April 12, 1997. We will have our best people there to whip them in the three inning game.
FILE NO. CC-72 AND CC-400

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15. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 9:50 p.m.

ATTEST:


Jennifer M. Ferrin
City Clerk