

**CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JULY 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, Community Development Director Bartlam, City Engineer Prima, City Attorney Hays, and Acting City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Mike Reed, Lodi Avenue Baptist Church

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

a) A Proclamation was presented by Mayor Pennino to Bob Johnson, Chairman of the Lodi Parks and Recreation Commission proclaiming the month of July as Parks and Recreation Month.  
File No. CC-37

b) Layne Van Noy, Dwight Dauber, and Mike Reese of the Lodi Parks & Recreation Department presented the following Certificates of Appreciation:

- |    |                       |   |
|----|-----------------------|---|
| 1. | Larry Johnson         | For heroic service in resuscitating a small child in a near-drowning incident   |
| 2. | Timothy Thalken       | For heroic service in resuscitating a small child in a near-drowning incident   |
| 3. | Bobby Whitmire        | For providing and installing twenty-two metal sign frames for the Nature Area interpretive trail system (Eagle Scout)   |
| 4. | Andrew Gilbert        | For constructing and installing redwood blocks for metal sign frames in the Nature Area (Eagle Scout)                   |
| 5. | Raley's Supermarket   | For their major sponsorship of the 6th Annual Fishing Derby at Lodi Lake Park and their continued support of this event |
| 6. | Lodi Sportsmen's Club | For their major sponsorship of the 6th Annual Fishing Derby at Lodi Lake Park   |
| 7. | 5-0 Skate Park Board  | For their outstanding service and contribution toward the construction and success of the 5-0 Skate Park                |

- 8. Jimmy Winchester For his outstanding customer service training of part-time employees in Adult and Youth Softball Programs
- c) Dorean Rice of the Lodi Tokay Rotary Club and Chairperson of the Oooh Ahhh Festival addressed the City Council giving a brief overview of the event.
- d) Tom Goad, President of the Kiwanis Club of Greater Lodi appeared before the City Council announcing the upcoming 4th of July Pancake Breakfast. President Goad also displayed the beautiful Lodi Blanket Throw that is being sold as a fund raiser for the Club.

The following item was removed from the Agenda:

- a. Agenda Item E-12 - Approve Broker of Record for Employee Benefits

The following items were removed from the Consent Calendar and discussed and acted upon at another point on the agenda:

- a. Agenda Item E-4 - Contract Award for Tree Trimming (Power Line Clearing) \$375,315 Annual Cost
- b. Agenda Item E-7- Amend Agreement to Provide Construction Engineering Services for Water Storage Tank Construction, 1215 Thurman Street (\$23,500)
- c. Agenda Item E-8 - Letter Regarding Driveway Replacement at 107 North School Street
- d. Agenda Item E-11 - Approval of Video Surveillance Policy for Lodi Police Department

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,600,318.42 and disbursements through Wire Transfers in the amount of \$55,417.84.  
FILE NO. CC-21(a)
- b) Minutes of the June 18, 1997 (Regular Meeting) and June 20, 1997 (Special Meeting) were approved.
- c) Received a report concerning the sale of scrap metal.  
FILE NO. CC 47.
- d) Agenda Item E-4 - Contract Award for Tree Trimming (Power Line Clearing) \$375,315. Annual Cost was removed from the Consent Calendar and discussed and acted upon at another point on the agenda.
- e) Adopted Resolution No. 97-92 - A Resolution of the Lodi City Council Awarding Contract for Type II Slurry Seal for Various City Streets, 1997.  
FILE NO. CC 12 (a)

- f) Accepted improvements under Traffic Signal Installation, Lower Sacramento Road and Vine Street Contract and directed the City Engineer to file a Notice of Completion with the County Recorder's Office.  
FILE NO. CC 12  
FILE NO. CC 90
- g) Agenda Item E-7 - Amend Agreement to Provide Construction Engineering Services for Water Storage Tank Construction, 1215 Thurman Street (\$23,500) was removed from the Consent Calendar and discussed and acted upon at another point on the agenda.
- h) Agenda Item E-8 - Letter Regarding Driveway Replacement at 107 North School Street was removed from the Consent Calendar and discussed and acted upon at another point on the agenda.
- i) Approved a letter for the Mayor's signature to Governor Wilson regarding Educational Revenue Augmentation Fund.  
FILE NO. CC 107
- j) Authorized the Lodi Police Department to apply for and accept Local Law Enforcement Block Grant Program funds, in the amount of \$106,522 and provide 10% matching City funds.  
FILE NO. CC 152
- k) Agenda Item E-11 - Approval of Video Surveillance Policy for Lodi Police Department was removed from the Consent Calendar and discussed and acted upon at another point on the agenda.
- l) Agenda item E-12 - Approve Broker of Record for Employee Benefits was removed from the agenda.

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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item E-4 - Contract Award for Tree Trimming (Power Line Clearing) \$375,315 Annual Cost was introduced. The City Council was advised that the Electric Utility Department has utilized a tree trimming contractor for its line clearing requirements since November 1988. The current contract, (fiscal year 1996/97) was awarded by the City Council on June 2, 1993 for a one-year period with an option to extend yearly thereafter, at the City's sole discretion for a maximum of three additional years. The extension option will be exhausted at the end of the current fiscal year. To maintain continuity of the line clearing program, a new contract needs to be in place at the beginning of the 1997-98 fiscal year. This contract like the current one, has provisions for yearly extensions up to a maximum of three years.

This contract will provide the City with two three-person (backyard) crews for twelve months and one two-person (street) crew for twelve months including vehicles, equipment and other expenses for the three crews. This level of activity represents an effort to maintain the 130+ circuit miles of overhead lines clear of growth in accordance with the new Eighteen Inch Rule mandated by the California Public Utilities Commission. Under this provision, the Electric Utility Department will seek Council approval to extend the second climbing crew for the 1998-99 fiscal year.

The specifications for this contract were approved on June 4, 1997 with bid opening on June 18, 1997. The three bids received are shown below. For evaluation purposes, 90% of the "backyard" crew hourly rate was added to 35% of the "street" crew hourly rate as specified in the bidding documents.

Bidder	First	Second	Street Crew	Evaluated Cost
	Backyard Crew	Backyard Crew		
Asplundh Tree Expert	62.81	62.81	54.82	132.245 per hour
Arbor Tree Surgery	65.12	65.12	47.27	133.761 per hour
Davey Tree Surgery	71.52	71.52	62.26	150.527 per hour

Mr. Roy Ogden, 1042 Palm Street, San Luis Obispo, Attorney for Arbor Tree Surgery addressed the City Council stating that they were disappointed that they were not considered to be the low bidder and that they feel Arbor did submit the low bid. Mr. Ogden stated that they feel the City's staff is inconsistently considering bids and that Staff unfairly manipulated the data. Mr. Ogden further stated that if you analyze the three bids received using the formula used in the City's specifications, Arbor is the low bidder. Mr. Ogden further stated that they feel that if you specify one way to consider the bid specs and provide another formula, it is not fair. Mr. Ogden recommended that all bids be rejected and that it be readvertised for bids.

A lengthy discussion followed with members of the City Council directing questions to Mr. Ogden and to staff.

Following discussion, on motion of Council Member Mann, Pennino second, the City Council rejected the bids that had been received and authorized the readvertising for bids. The motion carried by the following vote:

Ayes: Council Members - Land, Mann, and Pennino (Mayor)

Noes: Council Members - Sieglock and Warner  
FILE NO. CC - 12(b)

- b) Agenda item E-7 - Amend Agreement to Provide Construction Engineering Services for Water Storage Tank Construction, 1215 Thurman Street (\$23,500) which was removed from the Consent Calendar was introduced by Staff.

Mayor Pro Tempore Sieglock posed questions regarding the subject of DBCP and when this matter will be addressed. Mayor Pro Tempore Sieglock also questioned funding sources regarding this agenda item. City Engineer Prima responded to the questions as were asked regarding the matter. City Manager Flynn informed the City Council that DBCP will be a topic of discussion at a Shirtsleeve Session in September.

Following additional discussion, the City Council, on motion of Mayor Pro Tempore Sieglock, Mann seconded, voted to authorize the City Manager to amend the upper limit of the professional services contract with Montgomery Watson Engineers for construction engineering services from \$64,042.00 to \$90,600.00 and authorized the transfer of funds in the amount of \$70,000 from the completed Well 4 Construction project into the Water Tank Construction account to cover overruns and this addition to the engineering contract.

FILE NO. CC-12(c)

- c) Agenda item E-8 - Letter Regarding Driveway Replacement at 107 North School Street which had been removed from the Consent Calendar was introduced by staff.

Mr. Mark Newfield, P. O. Box Q, Woodbridge, California addressed the City Council stating that he was the owner of the subject property and that he had a lot of questions regarding the subject letter. Mr. Newfield stated that he no longer has access to his building; and that he had no prior knowledge that the driveway access would be eliminated. Mr. Newfield stated that he wants his driveway back and that a letter like this is not going to satisfy him. He stated that he would like his driveway back and that he needs assurance that when he is ready to improve the property, that he will be able to go forward.

A lengthy discussion followed with questions being directed to Mr. Newfield, City Engineer Prima, and the City Attorney.

Following discussion, on motion of Council Member Warner, Sieglock second, the City Council voted to table the item for further review.

FILE NO. CC 45 (b)

- d) Agenda item No. E-11 - Approval of Video Surveillance Policy for the Lodi Police Department was removed from the Consent Calendar by request of Mayor Pro Tempore Sieglock. Mayor Pro Tempore Sieglock asked Police Chief Hansen a number of questions regarding the proposed policy, proposed camera usage etc.

Following receipt of responses by Police Chief Hansen, the City Council, on motion of Mayor Pro Tempore Sieglock, Land second, approved the Video Surveillance Policy for the Lodi Police Department.

FILE NO. CC 12 (d)

FILE NO. CC 152

## 7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider weed abatement proceedings.

Fire Marshal Steve Raddigan reminded the City Council that at its meeting of June 4, 1997, the City Council adopted Resolution No. 97-70 declaring weeds a public nuisance and initiating abatement proceedings on various parcels throughout the City.

Pursuant to State of California Government Code Section 39500 et seq., a Notice to Destroy Weeds and Remove Rubbish, Refuse and Dirt was mailed under a Declaration of Mailing to each of the involved property owners, and posted on the subject properties as determined by the City Attorney and the Fire Inspector. The purpose of this public hearing is for property owners having any objections to the proposed abatement to be heard and given consideration.

Council was advised that since the adoption of Resolution No. 97-70, numerous property owners have abated the weeds on their property.

### Hearing Opened to the Public

1. There were no persons wishing to address the City Council regarding the matter.

Public Portion of Hearing Closed

**ACTION:**

The City Council, on motion of Mayor Pro Tempore Sieglock, Land second, adopted Resolution No. 97-95 - A Resolution Overruling Objections and Proceeding with Abatement Before the City Council of the City of Lodi in the Matter of Weed Abatement Proceedings.  
FILE NO. CC 24(b)

8. COMMUNICATIONS (CITY CLERK)

- a) Acting City Clerk Reimche read the following ABC License Application:
  - 1. Lufti A. Alburati to Gus L. Alburati, Payless Market and Liquor, 101 North Sacramento Street, Lodi, Off-Sale General, Person to Person Transfer  
FILE NO. CC-7(f)
- b) The following report was presented to the City Council:
  - 1. Planning Commission report of June 23, 1997.  
FILE NO. CC-35(c)
- c) Pursuant to recommendation of Mayor Pennino, on motion of Council Member Land, Pennino second, the Council concurred with the Mayor's appointments and reappointments to the following various boards and commissions:

**Eastside Improvement Committee**

Virginia Snyder	Term to expire March 1, 2000
Colleen Dixon	Term to expire March 1, 2000
Harry Marzolf FILE NO. CC 2(s)	Term to expire March 1, 2000

**San Joaquin County Council of Governments**

Richard Blackston FILE NO. CC 2(a)	Term to expire June 30, 1999
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**San Joaquin County Regional Rail Commission**

Philip Pennino  
FILE NO. CC 2(a)

9. REGULAR CALENDAR

- a) Agenda item H-1 -Contract Award for Central City Revitalization Downtown Street Furniture (approximately \$180,000) was introduced by City Engineer Richard Prima. An in-depth analysis of the bids received was presented by Mr. Prima.

A lengthy discussion followed with questions being directed to staff regarding the matter. Following the review and additional discussion, the City Council, on motion of Council Member Land, Sieglock second, adopted Resolution 97-96 awarding the Contract for the Downtown Street Furniture pursuant to Staff's recommendation and intimated that an additional five benches be purchased for the downtown area, that five benches are to be purchased for use at Hutchins Street Square, and that a review is to be made regarding the need for benches in the area of Pine and Oak Streets. The motion carried by unanimous vote of the City Council.

- b) Community Development Director Konradt Bartlam advised the City Council that over the past year, a number of discussions have been held regarding the idea of restricting development on vacant property located at Lower Sacramento Road and Kettleman Lane. The concept of placing some land use restrictions on these properties stems from the Central City Revitalization Concept Plan which states, in part... "Establish land use policies that promote the healthy coexistence of regional and neighborhood retail centers. Protect the more fragile neighborhood retail centers by limiting the types of uses that may locate (or relocate) in the regional centers to those that are regional in character".

This language has been interpreted in many different ways. Staff's initial attempt at providing a restriction that could be more permanent was to look at a size of the tenant space as a determining factor or "regional" draw. As the size issue was discussed among the various players, it became quite clear that no consensus was to be reached.

While in the process of developing some acceptable language that could be implemented, staff was also drafting a request for proposal that could also help frame this issue. One of the pieces of information that the City needs to understand is the market in which we live. Part of the analysis will further define the similarities and differences between the downtown and the highway commercial area to the southwest. Therefore, it is our belief that a policy could be framed that will serve as an interim step until the study is complete and some permanent land use restriction, if any, is warranted.

The policy statement that was presented to the City Council has been reviewed and approved by the Central City Task Force and has been verbally accepted by the two major land owners with vacant property at Lower Sacramento Road and Kettleman Lane. Mr. Bartlam stated that he believes that the policy is workable, but should only be thought of as a stop-gap measure that would allow these property owners to proceed with their planning of appropriate projects while a more detailed recommendation is prepared to address this issue.

The policy Staff is recommending reads as follows:

**At the time of application for any new construction of commercial space, within the (CS) Commercial Shopping Zone, a detailed analysis of the impacts of the development on downtown business shall be prepared by a qualified economic consultant. The intent of this policy is to determine what effect a continued commercial development will have on the downtown area.**

As written, this policy would apply to any property in the City with this zoning designation. There are two locations in addition to the vacant properties at Lower Sacramento Road and Kettleman Lane that would be affected. Included are the undeveloped portions of the Lakewood Mall and the area adjacent to Raley's.

Following discussion, on motion of Council Member Warner, Sieglock second, the City Council adopted Resolution No. 97-91 - A Resolution of the Lodi City Council Adopting Temporary Policy Regarding Development Restrictions on Vacant Commercial Property. FILE NO. CC27(a)

- c) The City Council was reminded that at the May 21, 1997 meeting, it reviewed the striping plan for Century Boulevard, from Ham Lane to Church Street. As discussed at the meeting, Century Boulevard is scheduled to be overlayed as part of the City's maintenance projects. Whenever streets are repaved or overlayed, staff reviews the street to determine if bicycle lanes can be installed in accordance with the Bicycle Transportation Master Plan adopted by the Council in 1994. To minimize the cost of installing bicycle lanes on all the streets shown in the Master Plan, bicycle lanes are installed with street maintenance projects. Century Boulevard was approved to have Class II bicycle lanes, which includes striping bicycle lanes with pavement legends and installing bicycle signs.

In order to accommodate bicycle lanes on Century Boulevard, either no-parking zones will need to be installed as discussed at the Council meeting, or the number of through lanes reduced along this segment of Century Boulevard. At the Council meeting, the City Council was extremely concerned with installing no-parking zones to accommodate the bicycle lanes. There was discussion about whether the bicycle lanes should be installed even through the Master Plan was adopted by Council. Staff, at that time, suggested to the Council that the striping plan be reworked and brought back to Council at a later date.

Following review of the matter, it was Staff's conclusion that Century Boulevard is a prime location for bicycle lanes especially with the types of adjacent recreational facilities.

There are also two adjacent churches along this street segment that once the bicycle lanes are installed may make Century Boulevard more bicycle friendly for children. These types of facilities adjacent to a street with bicycle lanes may encourage bicyclists to use the marked lanes.

It was staff's recommendation that in order to accommodate the striping between Ham Lane and Church Street, that the City Council approve a 160-foot no-parking zone on the north side of Century Boulevard, from Hutchins Street to the Hutchins Street Frontage Road and from Ham Lane to 150 feet east of Ham Lane, and a 160-foot no-parking zone on the south side, west of Hutchins Street. This will provide room for a striped right-turn lane at Hutchins Street.

Following discussion, with questions being directed to Staff, the City Council, on motion of Mayor Pennino, Land second, adopted Resolution No. 97-94 - A Resolution of the Lodi City Council Approving No Parking on the North Side of Century Boulevard, from Hutchins Street to Hutchins Street Frontage Road, and from Ham Lane to 150 Feet East of Ham Lane, and on the South Side, from Hutchins Street West to the Century Assembly Driveway, to Allow for the Installation of Class II Bicycle Lanes on Century Boulevard, Ham Lane to Church Street. The motion carried by the following vote:

Ayes: Council Members - Land, Warner, and Pennino (Mayor)

Noes: Council Members - Mann and Sieglock  
FILE NO. CC-45(a)  
FILE NO. CC- 66

10. ORDINANCES

- a) There were no ordinances presented for adoption.



11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Mr. Leslie Kries, 1951 Scarborough, Apt. 7, Lodi, California addressed the City Council advising that he is a disabled person and for close to a year he has been in touch with the City asking about discounts on utility services available to the disabled. He stated that PG& E has a 25% discount. He also stated that he has been told time and time again that the matter will be studied by the City Council. Mr. Kries asked if this could be put on a future agenda.

City Manager Flynn stated that there are presently discounts for people on SSI. Following discussion with questions being directed to Mr. Kries and to the City Manager, the City Council directed that the City Manager look into the matter to insure that Mr. Kries is getting discounts he is entitled to.

- b) Mr. Frank Wright, 416 Evergreen Drive, Lodi extended sincere congratulation to the Parks and Recreation Department on behalf of the Tokay Radio Control Modelers. He stated that the support of staff has been really appreciation for the many years this organization has been in existence.

Mr. Wright then invited the community to attend their Combat Fly-Over which will be held at Pixley Park on July 13, 1997.

- c) Mr. Lyle Coe, 474 Yokuts Drive, Lodi addressed the City Council regarding the benches that they had just approved for the downtown project. He stated that he had been involved in a like project at the AT&T Center in Pleasanton and that one of the problems that had been encountered with that project was that the benches which also were constructed with wooden slats had a water ponding problem. He stated that they encountered an unbelievable amount of criticism over such a small item in the over-all project.

A brief discussion followed with questions being directed to Mr. Coe and to City Engineer Richard Prima. The City Council expressed their appreciation to Mr. Coe for his concerns and advised that his comments would be taken under advisement.

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

- a) Mayor Pro Tempore Sieglock wished everyone a happy 4<sup>th</sup> of July and expressed his hope that everyone would enjoy the holiday.

Mayor Pro Tempore Sieglock stated that he would like to see Legion Park open for the 4<sup>th</sup> of July for family picnics and over-all enjoyment of the park for this holiday.

Dwight Dauber, Parks Superintendent addressed the City Council in response and indicated the problems that may be encountered inasmuch as the park project is still under contract and is not completed. Discussion followed with questions being directed to the City Manager, City Attorney, and Mr. Dauber.

Council Member Mann echoed his sentiments that he, too, would like to see the park or a portion of the park open for the 4<sup>th</sup> of July. Staff was directed to see what they could work out.

- b) Mayor Pennino invited everyone to attend the "Celebrate America" celebration being held at Hutchins Street Square.

- c) Mayor Pennino stated that he is still not too impressed with the tape being used to delineate various areas in the downtown area and that there is a real concern regarding this. Discussion followed with questions being directed to Staff with various alternatives being suggested. Mayor Pennino emphasized that something needs to be done to correct this.
- d) Mayor Pennino suggested that one or two council members and representatives from staff should take a trip to San Luis Obispo to observe the Thursday Night Farmers Market. Mayor Pennino stated that he would like to see if a joint trip could be planned with the Lodi District Chamber of Commerce or LDBA. He also indicated that while there, they should look at the parking structure in that area.
- e) City Manager Flynn indicated that he will be on vacation this coming week and that he has designated the City Attorney to be the Acting City Manager in his absence, and Deputy City Manager Keeter to serve in his stead at meetings.
- f) It was announced that the Farmers Market will be held on Thursday evening.
- g) Mr. Flynn announced that Electric Utility Director Alan Vallow was celebrating his 37<sup>th</sup> birthday today.

13. CLOSED SESSION

There was no Closed Session held at this meeting.

14. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 10:00.p.m.

ATTEST:

  
Alice M. Reimche  
Acting City Clerk