

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 1, 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, Finance Director McAthie, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Steve Newman, First Baptist Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Pennino presented a proclamation to Paula Soto with the Lodi Community Service Center proclaiming Saturday, October 4, 1997 as "Health and Resource Fair Day" in the City of Lodi.  
FILE NO. CC-37
- b) Mayor Pennino presented a proclamation to Ken Nieland, Zoo Manager with Micke Grove Zoo, celebrating its 40th Anniversary.  
FILE NO. CC-37
- c) Mayor Pennino presented a proclamation to Joelle Gomez-Dawson, Executive Director of the Women's Center, proclaiming the month of October, 1997 as "Domestic Violence Awareness Month" in the City of Lodi.  
FILE NO. CC-37
- d) Mayor Pennino presented a proclamation to Joelle Gomez-Dawson, Executive Director of the Women's Center, proclaiming October 3, 1997 as "Take Back the Night" in the City of Lodi.  
FILE NO. CC-37
- e) Mayor Pennino presented a proclamation to Electric Utility Director Vallow proclaiming October 5 - 11, 1997 as "Public Power Week" in the City of Lodi.  
FILE NO. CC-37
- f) Mayor Pennino presented a proclamation to Harry Marzolf, United Way Lodi Community Campaign Chairperson, and other members of the United Way Team proclaiming October 9, 1997 as "Lodi Day of Caring" in the City of Lodi.  
FILE NO. CC-37
- g) Dorean Rice with the Lodi District Chamber of Commerce provided a report to the City Council on the Street Faire to be held in Downtown Lodi on Sunday, October 5, 1997.  
FILE NO. CC-7(k)

*Continued October 1, 1997*

- h) Mayor Pennino presented Dorean Rice with a Certificate of Appreciation for her ongoing community involvement. Dorean is actively involved with the Lodi District Chamber of Commerce, the Lodi Street Faire, Field and Fair Day and is a member of the Lodi Planning Commission and the Sister City Committee. Further, Mayor Pennino announced that he has selected Dorean Rice as one of this year's recipients of the Mayor's Community Service Award. Dorean will be officially recognized at the December 3, 1997 City Council meeting.  
FILE NO. CC-6 AND CC-37
  
  - i) This year, the Electric Utility Department had a booth at the Lodi Grape Festival exhibiting the electric utility's commitment to its customers. Because of their hard work and effort, the Electric Utility Department received the "Best Indoor Educational Exhibit Award" at the Festival, and Electric Utility Director Vallow recognized the following staff for their roll in this very successful exhibit:  
  
Bob Anderson, Electric Drafting Technician  
Rod Brown, Metering Electrician  
Dave Comer, Electrical Estimator  
Kathleen Farrington, Administrative Clerk II  
Kathy Fawcett, Administrative Clerk II  
Timothy Fugazi, Drafting Intern  
Mel Grandi, Electric Services Manager  
Sondra Huff, Electric Utility Management Administrator  
Jess Kerekes, Electric Technician  
Patricia Novinger, Administrative Clerk II  
Linda Tremble, Department Secretary  
Nancy Bougher, Senior Electric Utility Rate Analyst  
FILE NO. CC-6 AND CC-51(d)
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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,189,181.79 and Disbursement Through Wire Transfer in the amount of \$2,356,904.04.  
FILE NO. CC-21(a)
  
- b) The minutes of September 17, 1997 (Regular Meeting) were approved as written.
  
- c) In compliance with Lodi Municipal Code Section 2.12.120, the City Council received a report of sale of scrap metal in the amount of \$4,283.90.  
FILE NO. CC-20 AND CC-47
  
- d) Adopted Resolution No. 97-151 approving the City of Lodi's Annual Investment Policy and Internal Control Guidelines.  
FILE NO. CC-21(a) AND CC-300
  
- e) Approved the plans and specifications for Armory Park/Chapman Field Handicap Accessibility Improvements, 333 North Washington Street and authorized advertising for bids.  
FILE NO. CC-12.1(c)

- f) Agenda item #E-6 entitled, "Authorize readvertising for bids for maintenance of landscape areas for fiscal year 1997/98" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- g) Adopted Resolution No. 97-152 awarding the contract for Kofu Park Handicap Accessibility Improvements, 1145 South Ham Lane to K & D Enterprise, Inc., of Ceres, in the amount of \$5,761.61.  
FILE NO. CC-12(a) AND CC-300
- h) Adopted Resolution No. 97-153 awarding the contract for Blakely Park Fence Improvements, 1050 South Stockton Street to S & J Construction, of Elk Grove, in the amount of \$15,657.00.  
FILE NO. CC-12(a) AND CC-300
- i) Adopted Resolution No. 97-154 supporting the project and authorizing the City Manager to execute the Project Agreement for the State of California Office of Traffic Safety (OTS) Traffic Control Device Inventory Grant.  
FILE NO. CC-6, CC-90 AND CC-300
- j) Adopted Resolution No. 97-155 approving destruction of certain files retained by the City Clerk's office.  
FILE NO. CC-6 AND CC-300
- k) Adopted Resolution No. 97-156 approving salary increases for Police Supervisory/Mid/Senior Management.  
FILE NO. CC-34 AND CC-300
- l) Adopted Resolution No. 97-157 approving the purchase of Financial Software from JD Edward's and appropriated funding in the amount of \$400,000 for the software, training and implementation costs.  
FILE NO. CC-12(d) AND CC-300
- m) Agenda item #E-13 entitled, "Approval of late fees in the amount of \$12 for the 60 day past due utility customer" was pulled from the agenda pursuant to staff's request.

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6. ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-6 entitled, "Authorize readvertising for bids for maintenance of landscape areas for fiscal year 1997/98".

In his Council Communication, Public Works Director Ronsko informed the City Council that this project provides for the contract maintenance of 49 landscaped areas within the City and the White Slough Water Pollution Control Facility.

On May 21, 1997, the Council approved specifications and advertisement for bids. The contract was bid and awarded to Bains Gardening and Landscaping. The contractor has failed to fulfill the terms of the contract, and there were no other conforming bids. It is now necessary to rebid this contract. The term of the contract will still run through June 30, 1998.

Staff also requested authorization to hire a qualified contractor of the City's choice on an interim basis to fill in for the period from termination of contract through award of the new landscape maintenance contract.

Speaking on the matter was the following person:

1. Bhagat Bains, Bains Gardening and Landscaping, Turlock, requested that he be given another opportunity to fulfill the terms of this contract.

Following discussion, with questions being directed to Street Superintendent Bradley, the City Council, on motion of Council Member Mann, Sieglock second, authorized staff to put this matter out to bid *should this contractor's work again become substandard*. Should this occur, the contract with Bains Gardening and Landscaping will be terminated, and staff will be allowed, or given the latitude, to seek out a month-to-month contract with another landscaping contractor until the bidding process has been completed and the award made. The motion carried by the following vote:

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

Noes: Council Members - Land and Warner

Absent: Council Members - None

FILE NO. CC-12.1(c) AND CC-90

7. PUBLIC HEARINGS

None.

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Warner, Pennino second, unanimously rejected the following claims:

1. Debbie Hilscher, date of loss 8/7/97
  2. Shawna Sotelo, date of loss 7/28/97
- FILE NO. CC-4(c)

9. REGULAR CALENDAR

- a) Street Superintendent George Bradley and Tree Operations Supervisor Bill Hobson presented a report to the City Council regarding the Urban Forestry Program for the City of Lodi which included the following points of interest. A number of slides were presented regarding the subject.

**Care of the Urban Forest**

- Pruning
- Planting
- Pest Control
- Irrigation
- Fertilization

**Priorities of Pruning**

- Public Safety (hazards and clearance)
- Health of the Tree (removal of dead, dying, diseased, or pest-ridden limbs-- mistletoe)
- Control Growth (regulate size, minimize fruit, remove suckers)
- Improve Structure (remove undesirable limbs, develop a sturdy crown)
- Aesthetics (minor pruning for appearance)

**Multiple Year Backlog for Tree Care**

- Focus of Pruning
  1. Public Safety
  2. Health of the Trees
  3. Control Growth

**Tree Care Accomplished Using Private State Licensed Contractors**

- Tree Maintenance Contractors C-61
- Landscape Contractors C-27
- Pest Control Contractors QAL

**Basic Types of Pruning**

- Crown Raising
- Crown Cleaning
- Crown Thinning
- Crown Reduction
- Crown Restoration

**Timing of Pruning (varies with species)**

- Deciduous Trees (late summer to late winter)
- Evergreen Trees (winter to early spring)
- Flowering Trees (after flowering)
- Tropical/Subtropical Trees (Palms) (after danger of frost/freezing)

**Values of the Urban Forest**

- Clean Air (oxygen, intercept particulars)
- Climate Control (cooling, heating, conserve energy)
- Noise Reduction (absorb and diffuse sounds)
- Aesthetic Qualities
- Psychological Uplift
- Historic/Cultural Impact
- Enhanced Property Values

**City of Lodi's Urban Forestry Goals**

- Eliminate Backlog
- Develop a Regular Preventive Pruning Schedule (according to species)
- Increase Planting to 200+ Trees Per Year
- Remove/Replace Problematic Trees
- Control Mistletoe (Ordinance)
- Establish Computer Inventory
- Become a Tree City USA

This item was for information only, no action was required.  
FILE NO. CC-6 AND CC-49

- b) Street Superintendent Bradley requested of the City Council that the City of Lodi require specific language within the Lodi Municipal Code establishing guidelines and procedures which will eliminate inadequacies currently hampering enforcement by staff to protect the City's substantial investment in trees, shrubs and plants from other than their intended use.

This addition should prohibit the use of trees for advertisement or storage, i.e., chaining bicycles, posting signs, etc. These types of uses are unsightly and cause damage to trees and irrigation systems. Damage caused to tree bark promotes infection in the trees and can eventually kill the tree.

Following discussion, with numerous questions being posed to Mr. Bradley, the City Council, on motion of Mayor Pennino, Mann second, unanimously introduced Ordinance No. 1652 entitled, "An Ordinance of the City Council of the City of Lodi Adding Chapter 9.08 to the Lodi Municipal Code Relating to the Protection of Public Trees, Shrubs and Plants".  
FILE NO. CC-6, CC-49 AND CC-149

10. URGENCY ITEM ADDED TO AGENDA

- a) Urgency item entitled, "Authorization to submit Reduce Motor Vehicle Emissions (REMOVE) Applications to the San Joaquin Valley Unified Air Pollution Control District".

(Due to a conflict of interest, Mayor Pennino abstained from discussion and voting on the following matters.)

Because of the urgency of the matter, it was necessary to add to the agenda an urgency item entitled, "Authorization to submit Reduce Motor Vehicle Emissions (REMOVE) Applications to the San Joaquin Valley Unified Air Pollution Control District". Therefore, the City Council, on motion of Council Member Warner, Sieglock second, declared the matter an urgency item and added it to the agenda by the following vote:

Ayes: Council Members - Land, Mann, Sieglock and Warner  
Noes: Council Members - None  
Absent: Council Members - None  
Abstain: Council Members - Pennino (Mayor)

Public Works Director Ronsko informed the City Council that the City of Lodi may soon be mandated to purchase a certain percentage of ultra-low or zero-emission vehicles. Larger urban areas (over 250,000) are required to purchase these types of vehicles for their municipal fleets. The City of Lodi has acquired REMOVE funds and Petroleum Violation Escrow Account (PVEA) funds for a compressed natural gas (CNG) station and five CNG engine conversions for the transit fleet. A request for proposal will be prepared for a CNG station within the month, and a station should be on line in 1998.

The transit engine conversions and the purchase of the electric parking-enforcement vehicle are budgeted for 1997/98 and the purchase of five police cars are budgeted for 1998/99.

To encourage the City of Lodi to move towards AFV's, REMOVE applications have been prepared to acquire funds for the following three separate projects:

1. <b>Continue Transit Fleet Conversion to CNG</b>	\$140,370
Purchase five CNG engines, five sets of fuel cylinders, and installation	
Transportation Development Act (TDA - 97/98 Budget)	\$ 13,074
Federal Transit Administration (FTA - 97/98 Budget)	\$ 52,296
Reduce Motor Vehicle Emissions (REMOVE)	\$ 75,000

<b>2. Purchase an Electric Parking-Enforcement Vehicle</b>	<b>\$ 20,494</b>
Purchase electric vehicle, charging system and installation	
City of Lodi (97/98 Budget)	\$ 19,066
Reduce Motor Vehicle Emissions (REMOVE)	\$ 1,428
<b>3. Purchase Five CNG Crown Victoria Police Cars</b>	<b>\$176,330</b>
Purchase five CNG Ford Crown Victoria Police Cars	
City of Lodi (98/99 Budget)	\$145,505
Reduce Motor Vehicle Emissions (REMOVE)	\$ 30,825

Following discussion, the City Council, on motion of Council Member Sieglöck, Warner second, adopted Resolution No. 97-158 authorizing the City Manager to submit three REMOVE applications for alternatively-fueled vehicles (AFV's) to the San Joaquin Valley Unified Air Pollution Control District by the following vote:

Ayes: Council Members - Land, Mann, Sieglöck and Warner  
Noes: Council Members - None  
Absent: Council Members - None  
Abstain: Council Members - Pennino (Mayor)

FILE NO. CC-6 AND CC-50(a)

11. ORDINANCES

None.

12. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to speak under this segment of the agenda.

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

- a) Mayor Pennino suggested that a letter be sent to MediaOne about complaints that have been received regarding the above-ground boxes being installed in potential rights-of-way. These installations have been made without any prior information being given to the property owners. City Manager Flynn stated that he had scheduled MediaOne to be present at the next Council meeting to specifically discuss this issue.  
FILE NO. CC-16 AND CC-22(c)
- b) Police Chief Hansen announced that the Police Department had received a telephone call today advising that the City of Lodi had been named number one for its "National Night Out" Program in Category 3, cities between 30,000 and 99,999 population. Chief Hansen further advised that the City of Lodi had 137 neighborhood watch groups this year and that out of that number, 127 groups were visited. Chief Hansen stated that he felt this is just another example of why Lodi is such an outstanding community. Chief Hansen applauded Community Service Officer Mary Fuhs for her outstanding efforts on behalf of this program.  
FILE NO. CC-152
- c) City Manager Flynn extended Happy Birthday wishes to Council Member Land whose birthday is October 13, 1997 and to Dave Warner whose birthday is October 24, 1997.

*Continued October 1, 1997*

14. CLOSED SESSION

Mayor Pennino adjourned the City Council meeting at approximately 9:00 p.m. to a Closed Session to discuss the following matter:

- a) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding United Firefighters of Lodi (UFL) pursuant to Government Code §54957.6

15. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

Mayor Pennino reconvened the meeting at approximately 9:35 p.m. and disclosed the following actions:

Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding United Firefighters of Lodi (UFL) pursuant to Government Code §54957.6

No final action was taken on this matter.  
FILE NO. CC-200(a)

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 9:35 p.m.

ATTEST:

Alice M. Reimche  
City Clerk