

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 15, 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, City Engineer Prima,  
City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Norm Mowery, First United Methodist 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 Bernice Schmiedt from Soroptimist International of Lodi proclaiming Monday, October 6, 1997 as "Day of Unity - Soroptimist Workplace Campaign to End Domestic Violence" in the City of Lodi.  
FILE NO. CC-37
- b) Jessica Williams with the Greater Lodi Area Youth Commission presented the Teen of the Month Award to Sumara Harihareswara from Tokay High School. The Honorary recipient is Rachel Wolf from Lodi High School.  
FILE NO. CC-2(t)

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5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$2,904,957.11 and Disbursements Through Wire Transfers in the amount of \$2,314,142.89.  
FILE NO. CC-21(a)
- b) The minutes of September 9, 1997 (Joint Meeting with the Lodi Unified School District) and October 1, 1997 (Regular Meeting) were approved as written.
- c) Received report of the sale of surplus vehicles for the following amounts:

One 1971 Wayne Chipper/Shredder VIN 300-2010	\$ 4,500
One 1976 International Vactor VIN 1125GCA17659	\$ 1,890
One 1980 Ford 7000 Dump Truck VIN D70UVHH0706	\$ 5,850
One 1980 Ford Hi-Ranger VIN R70UVJA9738	\$15,750

FILE NO. CC-20 AND CC-47

- d) Approved the plans and specifications for Mokelumne River Tree Removal and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- e) Approved the plans and specifications for Pleasant Avenue Telecommunications Conduit - Elm Street to 300 Feet North of Locust Street (Public Safety Building to the Library Building) and authorized advertising for bids.  
FILE NO. CC-12.1(c)
- f) Approved the specifications for uniforms for certain field and warehouse employees in the Maintenance and Operators and General Services units and authorized advertising for bids.  
FILE NO. CC-12.1(b)
- g) Adopted Resolution No. 97-166 authorizing receipt and opening of bids on October 17, 1997 and further authorizing award as soon as possible thereafter, for the purchase of 30,000 feet of #477MCM bare aluminum conductor, and 40 each 55-foot Class 2 wood utility poles. Estimated costs are \$22,000 for the aluminum wire and \$23,000 for the poles.  
FILE NO. CC-12(d), CC-12.1(b) AND CC-300
- h) Agenda item #E-8 entitled, "Purchase of mounting racks and additional tactical rifles for the Police Department under COPS Grant Funding" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- i) Adopted Resolution No. 97-168 awarding the purchase of 10 padmount transformers to the bidders whose proposals and equipment met City of Lodi specifications, and whose transformers are expected to yield the lowest overall life-cycle costs:
 

GE Supply Co., Sacramento	1 ea 225KVA 3Ø	\$ 6,612.62
	1 ea 300KVA 3Ø	<u>\$ 7,015.60</u>
		\$ 13,628.22
Western States Electric, Portland, OR	8 ea 1500KVA 3Ø	\$135,351.24

  
 FILE NO. CC-12(d) AND CC-300
- j) Adopted Resolution No. 97-169 authorizing the purchase of basketball backboards from Tomark Sports, of Corona, in the amount of \$12,991.72 and appropriated funds in accordance with staff recommendation.  
FILE NO. CC-12(d) AND CC-300
- k) Adopted Resolution No. 97-170 awarding the purchase of sewer hydrocleaner truck for Water/Wastewater Division of the Public Works Department from Municipal Maintenance Equipment, of Sacramento, in the amount of \$223,845.50 and appropriated funds in accordance with staff recommendation.  
FILE NO. CC-12(d) AND CC-300
- l) Adopted Resolution No. 97-171 awarding the bid for the purchase of one 60 - 12kV power transformer to the bidder whose proposal and equipment met the City of Lodi's specifications, and whose transformer is expected to yield the lowest overall life-cycle cost, Pennsylvania Transformer Technology, Inc. of Canonsburg, PA, in the amount of \$392,288.66  
FILE NO. CC-12(d) AND CC-300

*Continued October 15, 1997*

- m) Authorized the City Manager to approve the donation of the range hood from the old fire station on Main Street to the Lodi Veterans of Foreign Wars Post 1968 (VFW) and established a donation amount, if necessary.  
FILE NO. CC-20 AND CC-47
- n) Adopted Resolution No. 97-172 awarding the contract for White Slough Water Pollution Control Facility Boiler #1 Replacement to IPS Mechanical, Inc., of Sacramento, in the amount of \$91,253 and appropriated funds in accordance with staff recommendation.  
FILE NO. CC-12(a) AND CC-300
- o) Agenda item #E-15 entitled, "Contract Change Orders for Central City Revitalization Improvement Project, Downtown and Cherokee Lane" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar. (Removed by citizen request.)
- p) Received Contract Change Orders for Well 4R Water Storage Tank and Pump Station Project, 1215 Thurman Street.  
FILE NO. CC-90
- q) Accepted Improvements under the "Well 4R Pump and Motor, 1215 Thurman Street" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.  
FILE NO. CC-90
- r) Adopted Resolution No. 97-173 taking the following actions regarding Bridgetowne, Unit No. 1 subdivision:
  - Accepted the subdivision improvements for Bridgetowne, Unit No. 1, Tract No. 2133;
  - Directed the City Manager and City Clerk to execute the improvement agreement addendum for Bridgetowne, Unit No. 1, on behalf of the City; and
  - Appropriated funds for required payments and reimbursements.FILE NO. CC-46, CC-90 AND CC-300
- s) Took the following actions regarding Lodi Retirement Residence:
  - Directed the City Manager and City Clerk to execute the improvement agreement and improvement deferral agreement on behalf of the City; and
  - Appropriated funds for necessary reimbursements.FILE NO. CC-46 AND CC-90
- t) Agenda item #E-20 entitled, "Improvement Agreement Addendum for Towne Ranch, Unit No. 5, Tract No. 2698" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- u) Took the following actions regarding the development at 1111 East Kettleman Lane:
  - Directed the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City; and
  - Appropriated funds for necessary reimbursements.FILE NO. CC-46 AND CC-90

Continued October 15, 1997

- v) Adopted resolutions approving the following six program supplements to the State-Local Transportation Partnership Program Agreement No. SLTPP-5154 and one supplement to the ISTEA Local-State Agreement No. 10-5154:

<u>Project</u>	<u>Resolution</u>	<u>Program Supplement</u>
Tokay Street, Fairmont Avenue to Mills Avenue	97-159	No. 002-M
Turner Road, Beckman Road to Cluff Avenue	97-160	No. 013
Lockeford Street, California Street to Pleasant Ave.	97-161	No. 014
Pine Street within Downtown Revitalization area	97-162	No. 015
Century Boulevard, Ham Lane to Church Street	97-163	No. 016
Fairmont Avenue, Kettleman Lane to Vine Street	97-164	No. 017
School Street, Downtown Revitalization area	97-165	No. 018

FILE NO. CC-90 AND CC-300

- w) Adopted Resolution No. 97-174 authorizing the City Manager to approve Letter of Agreement for services between the City of Lodi and the Northern California Power Agency (NCPA) for Customer Information System (CIS) Project Phase II.  
FILE NO. CC-7(j), CC-51(d) AND CC-300

- x) Adopted Resolution No. 97-175 approving the installation of a no-parking zone on the west side of Cherokee Lane, from Century Boulevard to 200 feet south of Century Boulevard.  
FILE NO. CC-48(e) AND CC-300

- y) Appointed Tim Hackman and John Reese as Hearing Officers as called for in §8.24.060 of the City's Comprehensive Municipal Environmental Response and Liability Ordinance and authorized the City Manager to sign appropriate agreements with those individuals for services as well as with Judge Darrah for training services.  
FILE NO. CC-4(a) AND CC-6

- z) Adopted Resolution No. 97-176 approving the reclassification of two Building Service Workers to Building Maintenance Workers in the Public Works Department.  
FILE NO. CC-34 AND CC-300

- aa) Agenda item #E-27 entitled, "Increase late fees for past due utility bills" was pulled from the agenda pursuant to staff's request.

- bb) Adopted Resolution No. 97-178 approving destruction of certain files retained by the City Clerk's office.  
FILE NO. CC-6 AND CC-300

- cc) Adopted Resolution of Intention No. 97-179 regarding formation of Lodi Business Improvement Area (BIA) No. 1 and set the following Public Hearings and Public Meeting dates:

- November 5, 1997 - BIA (Protest Hearing) Public Hearing;
- November 5, 1997 - Public Meeting pursuant to the Government Code; and
- December 3, 1997 - Public Hearing pursuant to the Government Code.

FILE NO. CC-6, CC-10(f), CC-72 AND CC-300

*Continued October 15, 1997*

- dd) Adopted Resolution of Intention No. 97-177 to abandon an 8-foot public utility easement and a 60-foot street and transition easement on Lot 2 and Lot 3 of Maxwell Industrial Park; referred the matter to the Planning Commission; and set it for Public Hearing at the regular Council meeting of November 5, 1997.  
FILE NO. CC-52(b) AND CC-300
  - ee) Set Public Hearing for November 5, 1997 for State of California Citizens' Option for Public Safety (COPS) Program.  
FILE NO. CC-152
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6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-8 entitled, "Purchase of mounting racks and additional tactical rifles for the Police Department under COPS Grant Funding".

Police Chief Hansen reminded the City Council that on June 18, 1997, the City Council authorized advertisement for bids for Colt .223 AR-15 rifles and mounting racks using a \$32,000 portion of the Citizens' Option for Public Safety (COPS) Grant.

Invitations to bid were sent to three authorized distributors for Big Sky Racks of Bozeman, Montana. San Diego Police Equipment's bid was submitted prior to the bid opening date of September 26, 1997, but the bid submitted by LC Action Police Supply of San Jose was delivered late. Emergency Vehicle Systems of Redwood City did not respond.

Initially the Department planned to obtain 20 tactical rifles and mounting racks with the portion of the grant earmarked for this project. (On September 17, 1997, the Council adopted Resolution No. 97-137 awarding the purchase of 20 rifles and slings to Botach Tactical at a cost of \$12,759.76.) However, prices obtained for both the rifles and the racks came in significantly lower than expected. As a result, the Department now has the opportunity to arm more officers while staying within the dollar limits of the grant. With the Council's consent, the Department would buy a total of 32 mounting racks, an additional 14 rifles (for a total of 34), and an additional 16 slings (for a total of 36 slings). Total cost of all equipment would be \$29,366.19.

Mayor Pro Tempore Sieglock stated he asked that this item be pulled from the Consent Calendar as he would like to see how the requested tactical rifles operate. He stated that he is opposed to purchasing any more of these tactical weapons until policies and procedures for their use are developed.

Mayor Pro Tempore Sieglock moved that the request to purchase mounting racks and additional tactical rifles for the Police Department under COPS Grant (\$16,606.43) be denied. The motion was seconded by Mayor Pennino but failed to pass by the following vote:

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

Further on motion of Council Member Mann, Warner second, the City Council adopted Resolution No. 97-167 awarding the bid for 32 mounting racks for the Colt .223 AR-15 tactical rifles to the sole bidder, San Diego Police Equipment, San Diego, in the amount of \$7,792.48 and further authorized the purchase of fourteen additional Colt .223 AR-15 rifles and sixteen additional Giles slings to the low bidder from bids opened on August 27, 1997 and awarded on September 17, 1997 to Botach Tactical of Los Angeles, in the amount of \$8,813.95 by the following vote:

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

FILE NO. CC-12(d) AND CC-300

- b) Agenda item #E-15 entitled, "Contract Change Orders for Central City Revitalization Improvement Project, Downtown and Cherokee Lane" (removed by citizen request).

In his Council Communication, the Public Works Director, in accordance with the City's Contract Change Order Policy (Resolution No. 85-72), informed the City Council of the change orders approved by the City Manager for both Central City Revitalization projects.

The original contract price for the Cherokee Lane Central City Revitalization Project was \$3,865,318.00. The total cost of the Cherokee Lane change orders to date is a credit to the City of \$76,118.70. A detailed description of the change orders is available in the Public Works Department.

The original contract price for the Downtown Central City Revitalization Project was \$4,114,160.48. The total cost of the Downtown change orders to date is an increase to the contract of \$20,508.33. A detailed description of the change orders is available in the Public Works Department.

In the recap presented by staff regarding Cherokee Lane Contract Change Order No. 7, it was reported that this change order will have Granite Construction furnish and deliver 211 Valley Oak trees for the Cherokee Lane median. The trees, which were previously purchased, were delivered to the City in July. Shortly after the City received the trees, they lost their leaves. The City then had the trees evaluated by several tree experts. The reports recommended that the City not plant these trees in the Cherokee Lane median. Staff is negotiating with the tree vendor over replacement and/or credit for the trees and anticipates using many of the trees at other City facilities which are not adjacent to vehicular traffic (i.e. selected areas in City parks and the White Slough Water Pollution Control Facility). This contract change order added thirty working days to the contract and increased the contract by \$56,028.35.

Speaking on the matter was Vern Weigum, 513 Gerard Drive, Lodi, and the owner of Weigum's Lodi Nursery at 401 North Ham Lane. Mr. Weigum indicated that he had inspected the trees and felt that their condition did not warrant this Change Order. He further indicated that he felt the replacement trees that were purchased were overpriced. Mr. Weigum questioned the fact that if the original trees were in such poor condition as to require that replacement trees be ordered, why would they be all right to plant at other City facilities.

Discussion followed with questions being directed to Mr. Weigum and to City Engineer Prima. It was pointed out that approximately 30% of the replacement trees have already been planted in the Cherokee Lane median.

The City Council requested that staff provide them with a report regarding this matter.  
FILE NO. CC-90

- c) Agenda item #E-20 entitled, "Improvement Agreement Addendum for Towne Ranch, Unit No. 5, Tract No. 2698".

The following background information was provided on this matter.

The final map and improvement agreement for the Towne Ranch, Unit No. 5 subdivision were approved by Council on May 7, 1997. The development is located south of Turner Road, west of the MCI facility on Turner Road, and north of the existing Towne Ranch developments, and contains frontage along Turner Road.

Installation of landscaping and an irrigation system along the reverse frontage fence on Turner Road is required as a part of this project, with landscape and irrigation design being provided by City staff and installation being done by the developer, Towne Ranch Associates. Payment for the landscaping irrigation system is to be in conformance with modifications to the conditions of the tentative map approved by Council on February 14, 1995. The modifications require that the developer pay a tree planting fee (\$2,250.00) and fence maintenance fee (\$2,266.00) and that the City pay for the balance of the landscaping and irrigation system and assume responsibility for future maintenance. The fees to be paid by the developer were received prior to approval of the final map. Since the landscape and irrigation design was not complete, and costs were not available at the time of approval of the improvement agreement, the agreement contained a provision to handle the costs to be paid by the City with an addendum to the agreement once the actual costs of the work were determined. Staff originally estimated that the cost of this work would be \$10,000.00 and those monies were appropriated at the time of final map approval.

The developer obtained and submitted three contractor bids for staff review prior to selecting a contractor. The actual cost for installation of the landscaping and irrigation system is \$18,625.00. This was the lowest bid obtained by the developer for this work.

The \$10,000 previously appropriated, and the \$2,250.00 paid by the developer for landscape trees, will be applied to the landscaping and irrigation system installation costs and staff requests an additional appropriation of \$6,375.00 to cover the balance.

During the design process for the landscaping and irrigation system, it was decided to include a meandering sidewalk to be more compatible with the sidewalk design at the future park site in the Bridgetowne development on the north side of Turner Road. The addition of the meandering sidewalk necessitated a change order to the developer's contract for construction of the street improvements and generated additional costs of \$10.70/lineal foot, or \$5,892.92 for the sidewalk installation. Since the meandering sidewalk design was initiated by staff after the developer's contract was awarded, staff recommends that the additional cost for the sidewalk be paid by the City for this phase of the Towne Ranch development only. Future phases of the development having frontage along Turner Road should include the meandering sidewalk design as part of the bid package and the City will not make reimbursements for sidewalk work in those phases.

This item was removed from the Consent Calendar at the request of Council Member Mann who indicated his concern regarding the last sentence in the Council Communication which read "*Future phases of the development having frontage along Turner Road should include the meandering sidewalk design as part of the bid package and the City will not make reimbursements for sidewalk work in those phases*". Council Member Mann indicated that the developer had advised him that he had not agreed to this and suggested that action by the City Council on this matter should include language that the subject sentence be excluded. A lengthy discussion followed with questions being directed to City Engineer Prima. It was pointed out that this sentence referred to future phases of the development and really was not pertinent to the action regarding the matter being requested to the City Council on this agenda.

The City Council, on motion of Council Member Mann, Land second, unanimously took the following actions regarding Towne Ranch, Unit No. 5 subdivision:

*Continued October 15, 1997*

- Directed the City Manager and City Clerk to execute the improvement agreement addendum for Towne Ranch, Unit No. 5, on behalf of the City; and
- Appropriated funds for required reimbursements,

FILE NO. CC-46 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 Mayor Pro Tempore Sieglock, Warner second, unanimously rejected the following claims:

1. Bonnie Billigmeier, date of loss 5/7/97
2. John P. Gwyn, date of loss 7/29/97
3. Bryan Clasen, date of loss 8/6/97  
FILE NO. CC-4(c)

b) City Clerk Reimche read the following ABC Licenses:

1. James McCarty to Meenu Chanana and Sham Sunder Chanana, Cherokee Lane Liquors, 220 North Cherokee Lane, Lodi, Off-Sale General, Person to Person Transfer
2. Gus Alburati to Mohammad Wasim, Payless Market & Liquors, 101 North Sacramento Street, Lodi, Off-Sale General, Person to Person Transfer  
FILE NO. CC-7(f)

c) The City Council, on motion of Mayor Pro Tempore Sieglock, Warner second, unanimously made the following appointment to be effective November 1, 1997:

**Lodi Planning Commission**

Tim Mattheis                      Term to expire June 30, 2001

FILE NO. CC-2(g)

9. REGULAR CALENDAR

a) Agenda item #H-1 entitled, "Remove Left-Turn Restriction on Lilac Street at Eilers Lane".

Associate Traffic Engineer Fernandez reminded the City Council that the Public Works Department received a petition, with thirty-four signatures, requesting removal of the left-turn restriction on Lilac Street at Eilers Lane. The people signing the petition feel the removal of the left-turn restriction will improve the traffic circulation for Woodbridge Middle School parents while dropping off and picking up their children. The petition was prompted by several parents getting citations for turning left at this intersection after dropping their children off at the Woodbridge Middle School.



Since the time the restriction was installed, the Public Works Department staff has received a number of requests to remove the turn restriction. The following describes the turn restriction history and staff's recommendation.

#### Turn Restriction History

The left-turn restriction was installed by City Council in September 1987 as an alternative to Eilers Lane residents' requests for a street closure. The residents requested the street closure in order to reduce traffic volumes, accidents and speeds on Eilers Lane. After a lengthy study by staff, it was determined that due to lack of a significant volume, accident or speeding problem, there was no justification for a street closure. San Joaquin County also concurred that a street closure would affect traffic circulation and should not be implemented. City Council approved the left-turn restriction as an alternative to the street closure and requested staff review this intersection once the Chestnut Street bridge crossing at the Woodbridge Irrigation District Canal is constructed.

In Spring 1989, the Chestnut Street bridge crossing at Woodbridge Irrigation Canal was opened which impacted the Eilers Lane and Lilac Street intersection. As expected, the traffic volumes on Woodhaven Lane increased, and decreased on Lower Sacramento Road and Lilac Street. In August 1990, staff restudied the Eilers Lane and Lilac Street intersection at the request of City Council. Staff recommended removal of the turn restriction. However, Eilers Lane residents addressed the City Council telling them that the traffic volume appeared high for a local street and the speeds excessive. City Council took no action to remove the left-turn restriction.

#### Recommendation

Since the installation of the left-turn restriction, staff has received eight requests to remove the turn restriction. Many of those requesting removal have received citations for turning left. Many motorists driving through the intersection do not notice the signs and markings because they are watching for pedestrians and feel it is an unnecessary restriction. Staff has also received a call from an Eilers Lane resident stating many Eilers Lane residents disobey the turn restriction. This indicates this restriction is unnecessary and creates an obstruction to the traffic circulation for this area. There have been no reported accidents at this intersection since 1994.

Since this restriction was not installed as a safety feature, and removal will improve circulation in the area, staff recommended removal of the turn restriction.

Mrs. Fernandez responded to questions regarding the matter as were directed by the City Council.

The following persons spoke in support of removing the left-turn restriction on Lilac Street at Eilers Lane:

1. Burle Cook, 167 Evelyn Court, Woodbridge;
2. Judy Cook, 167 Evelyn Court, Woodbridge; and
3. Elder Curtis, 2400 Corbin Lane, Lodi, who stated that he wonders why this street has privileges no other streets in Lodi have.

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Speaking in opposition of removing the left-turn restriction on Lilac Street at Eilers Lane were the following persons:

1. Tom Gau, 2336 Eilers Lane, Lodi;
2. Jim Reed, 2330 Eilers Lane, Lodi;
3. Anna Dillon, 2353 Eilers Lane, Lodi;
4. Susan Wong, 2318 Eilers Lane, Lodi;
5. Charlie Selkirk, 2323 Eilers Lane, Lodi; and
6. Lance Selkirk, 2323 Eilers Lane, Lodi.

Following additional discussion with questions being directed to staff, the City Council, on motion of Council Member Land, Mann second, voted to keep the left-turn restriction on Lilac Street at Eilers Lane.  
FILE NO. CC-48(a)

10. RECESS

Mayor Pennino called for a five-minute recess and the City Council meeting reconvened at approximately 8:55 p.m.

11. ANNOUNCEMENT

An announcement was made regarding the 21st Annual Grape Bowl Classic which will be held Saturday, November 1, 1997. The Grape Bowl Classic is supported by a non-profit group of parents from Bear Creek, Lodi and Tokay High Schools. The parade competition will begin at 9:00 a.m. at Lodi High School on Pacific Avenue, go up Elm Street, and end at St. Peter's Church. The jazz band competition will begin at Lodi High School Cafeteria at 8:00 a.m. The awards ceremony for the parade and jazz competitions will follow at the Grape Bowl at approximately 2:00 p.m. An invitation was extended to the entire community to attend this exciting event.

12. REGULAR CALENDAR (Continued)

- a) Agenda item #H-2 entitled, "Presentation by MediaOne regarding infrastructure improvements in the Lodi area".

Administrative Assistant to the City Manager Evans opened this matter and introduced Eileen Martin, General Manager, and Doug Kyler, Project Manager, with MediaOne who presented the City Council with a report regarding the infrastructure upgrades it is making to its signal distribution system, and what this means to the citizens of Lodi.

Ms. Martin acknowledged that MediaOne has not done a good job of communicating with the citizens of Lodi regarding the installation of infrastructure improvements in the Lodi area and outlined a number of corrective measures their company is initiating.

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The following citizens addressed the City Council relating the problems they had encountered with MediaOne regarding these installations:

1. Carol Day, 401 North Lower Sacramento Road, Lodi;
2. Gudrun Meisner, 221 Mokelumne River Drive, Lodi;
3. Gloria Cardwell, 2525 Tejon Street, Lodi; and
4. Kevin Wong, 2318 Eilers Lane, Lodi.

Ms. Martin agreed that MediaOne will meet with these individuals to attempt to mitigate the problems they have encountered.

City Engineer Prima also indicated that the City is still issuing Encroachment Permits for these installations and that the City has some latitude as to the verbiage and regulations for Encroachment Permits.

FILE NO. CC-6, CC-16 AND CC-22(c)

13. ORDINANCES

- a) 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" having been introduced at a regular meeting of the Lodi City Council held October 1, 1997 was brought up for passage on motion of Mayor Pro Tempore Sieglock, 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-49 AND CC-149

14. MEETING OF THE LODI INDUSTRIAL DEVELOPMENT AUTHORITY

Mayor Pennino adjourned the City Council meeting to a meeting of the Industrial Development Authority (IDA) of Lodi. Chairperson Pennino called the meeting to order and Secretary Reimche recorded roll. The purpose of the meeting was to approve transfer documents for Industrial Development Authority of the City of Lodi Variable Rate Demand Limited Obligation Revenue Bonds (Dart Container Corporation of California Project) Series 1984.

The Authority was informed that the closing for the acquisition occurred on January 31, 1997, and First Bank as Comerica Bank's agent is currently providing indenture trustee, registrar, paying agent, escrow and other related services to the City's account.

The documents have been prepared by counsel and are designed to complete the legal transfer associated with our succession in the easiest possible way. It is requested that the IDA of Lodi approve and authorize execution of the Resignation, Successor Appointment and Acceptance Agreement.

These documents have been reviewed by the City Attorney, and it was his recommendation that this matter be placed on the October 15, 1997 City Council agenda for IDA of Lodi approval.

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Following discussion, the Authority, on motion of Authorizing Member Warner, Land second, unanimously adopted Resolution No. IDA-16 approving the Resignation, Successor Appointment and Acceptance Agreement and authorizing the IDA of Lodi Chairperson and the Secretary to execute the documents on behalf of the City of Lodi.

There being no further matters before the IDA of Lodi, Chairperson Pennino adjourned the meeting of the IDA. Mayor Pennino reconvened the City Council meeting.  
FILE NO. CC-60 AND CC-300

15. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Miles Cope, 1012 Laurel Avenue, Lodi, addressed the City Council regarding his concerns about anticipated high water this year and the fact that there is a 250 foot hole in the levee around the lake. Mr. Cope indicated that the surrounding area used to be vineyards, but now it is residential development and there are an awful lot of houses in the area that could be inundated by high waters. Mr. Cope stated that he felt it would cost very little to bring the curb up 2 or 3 feet and asked that the City Council take a look at this.

City Manager Flynn thanked Mr. Cope for his comments and advised the Council that they will look further into the matter.  
FILE NO. CC-6 AND CC-27(c)

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

- a) Mayor Pennino announced that the Lodi Boys and Girls Club and the Teen Center will be hosting a "Halloween Safehouse" for youths and teens on October 31, 1997 from 5:00 - 8:00 p.m. This event will be held at both the Lodi Boys and Girls Club and the Teen Center.
- b) Mayor Pro Tempore Sieglock asked the City Manager to have someone address the City Council about flood and earthquake insurance. Also, Mayor Pro Tempore Sieglock stated that he is concerned that the City is self-insured and perhaps we need to look at obtaining insurance for major City-owned structures within the City.  
FILE NO. CC-6 AND CC-21.1(c)
- c) Council Member Land indicated that he would like the City Council to have an opportunity to review floodplain maps and information depicting natural water flows for this area. Council Member Land indicated that he felt the citizens of Lodi would be most interested in receiving this type of information.

City Manager Flynn stated that this entire subject is being scheduled for the November 19, 1997 City Council meeting.

Deputy City Manager Keeter advised the City Council that a meeting with EBMUD and other agencies will be held at which time specific impacts of El Nino was discussed.  
FILE NO. CC-6

17. CLOSED SESSION

Mayor Pennino announced that there was no need to discuss the following scheduled Closed Session matter:


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

*Continued October 15, 1997*

18. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 10:15 p.m.

ATTEST:

A handwritten signature in cursive script that reads "Alice M. Reimche".

Alice M. Reimche  
City Clerk