

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, DECEMBER 17, 1997
7:00 P.M.**

1. ROLL CALL

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

Absent: Council Members - None

Also Present: City Manager Flynn, Deputy City Manager Keeter, City Engineer Prima,
Community Development Director Bartlam, City Attorney Hays and City Clerk
Reimche

2. INVOCATION

The invocation was given by Captain Alfred Parker, Salvation Army.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Sieglock.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Recreation Supervisor Layne Van Noy announced and recognized Samantha Taylor and Nathaniel Napier, the winners of the Punt, Pass and Kick contest. Samantha, in the 10 - 11 year old female division, won the Lodi contest, the section contest in Fresno, and the team championship at a recent Oakland Raiders game. Nathaniel, in the 8 - 9 year old male division, won the Lodi contest and the section contest in Fresno. He competed in the team championship as well. Lodi has not been represented at the team championship level for a number of years. Mayor Sieglock presented Certificates of Appreciation to both Samantha and Nathaniel for their accomplishments.
 - b) Recreation Supervisor Layne Van Noy updated the City Council regarding the Parks and Recreation December activities including youth basketball, Christmas Tree Run, Santa's Calling, and New Year's Sleep Over.
 - c) Recreation Supervisor Mike Reese announced and recognized the winners of the 1997 Lodi Christmas Tree Run. The annual Christmas Tree Run has been held for more than thirty years in various locations and at distances being adjusted for age groups and for the growth in running several years ago. It is currently held entirely at Lodi Lake Park with runners competing in age groups from 6 and under through 70 and up. Mayor Sieglock presented City of Lodi grape pins to the winners of the Christmas Tree Run.
 - d) Julia Rough, member of the Greater Lodi Area Youth Commission, announced the Teen of the Month, Thu Tran from Tokay High School, who was unable to attend the meeting. In addition, she recognized Wendy Maxwell, Lodi High School, as the honorary mention Teen of the Month.
 - e) Dee Porter with the Gang Alternative Project (GAP) presented the City Council with a book entitled, "*Gangs, A Handbook for Community Awareness*". The City Clerk was directed to forward a copy of the book to the League of California Cities Library and the Lodi Public Library.
-

5. CONSENT CALENDAR

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

- a) Claims were approved in the amount of \$3,038,322.07 and Disbursements Through Wire Transfers in the amount of \$2,352,576.95.
- b) The minutes of December 3, 1997 (Regular Meeting) and December 9, 1997 (Adjourned Regular Meeting) were approved as written.
- c) Received report of sale of scrap metal to the sole bidder, Modesto Junk Company, in the amount of \$4,812.98.
- d) Received for file the following reports and financial statements submitted by KPMG Peat Marwick LLP and the Finance Department for Fiscal Year 1996/97:
 - The Combined Annual Financial & Single Audit Report
 - The No Material Weakness Report (Internal Control)
 - The SAS 61 Report (Report to the City Council)
- e) Approved the specifications for photocopier for the Municipal Service Center (MSC) and authorized advertising for bids.
- f) Adopted Resolution No. 97-200 awarding the contract for Tienda Drive at Mills Avenue Sanitary Sewer Pump Station Improvements to Crutchfield Construction Company, of Stockton, in the amount of \$177,000 and appropriated funds in accordance with staff recommendation.
- g) Adopted Resolution No. 97-201 awarding the two-year contract for radio maintenance service and repair for all backbone, emergency and non-emergency radio equipment to Delta Wireless, Inc. of Stockton, in the amount of \$32,619 per year (this does not include the replacement of batteries and antennas).
- h) Accepted the improvements under the "White Slough Water Pollution Control Facility Holding Pond No. 4 Embankment Rehabilitation" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- i) Accepted the improvements under "Lane Line Painting, Various City Streets, 1997" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- j) Accepted the improvements under "Fairmont Avenue Street Improvements (Kettleman Lane to Vine Street) and Lockeford Street Street Improvements (500 Feet West of Ham Lane to Ham Lane, and California Street to Pleasant Avenue)" contract and directed the City Engineer to file a Notice of Completion with the County Recorder's office.
- k) Agenda item #E-11 entitled, "Traffic resolution amendment - speed limit modification on Evergreen Drive" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- l) Adopted Resolution No. 97-203 granting a 24-foot special commercial driveway, conforming to Standard Plan 111 and City Design Standards at 1401 South Cherokee Lane.

- m) Agenda item #E-13 entitled, "Approve driveway location at 901 South Cherokee Lane" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- n) Adopted Resolution No. 97-205 approving the *City of Lodi Records, Access, Retention, Reproduction and Destruction Manual* as the official records management plan of the City of Lodi.
- o) Adopted Resolution No. 97-206 approving destruction of certain files retained by the City Clerk's office.
- p) Authorized the City Manager to execute an amendment to the E-Basin (Peterson Park Expansion) Reimbursement Agreement with Robert Batch to pay off the remaining balance at a 25% discount, and appropriated \$540,000 from the Storm Drain Impact Fee Fund.
- q) Approved a \$4,000 non-interest bearing loan to the Lodi Sports Foundation for non-site specific renderings to be repaid to the City within three years.
- r) Agenda item #E-18 entitled, "Authorization to cancel contract for the Lodi Conference and Visitors Bureau (LCVB) as per request from the Lodi District Chamber of Commerce Board of Directors" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- s) Adopted Resolution No. 97-207 authorizing the City Manager to approve the Power Supply Contract between the City of Lodi and Cottage Bakery.
- t) Supported the recommendation of the Parks and Recreation Commission and Parks and Recreation Department staff to restrict uses of tobacco and alcohol at outdoor facilities for youth, adult and general activities as follows:
 - Youth Facilities: No tobacco or alcoholic beverages allowed in or around playing areas, bleachers or concession stands during scheduled uses of the facility for youth-related sports and activities.
 - Adult Facilities: No smoking on the field, in bleachers, or near concession stand. No alcohol may be brought into this facility.

Staff was directed to bring this matter back to the City Council for introduction of an ordinance.
- u) Adopted Resolution No. 97-208 approving the class specification and following salary range for Water Conservation Coordinator:

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$1,889.01	\$1,983.44	\$2,082.63	\$2,186.78	\$2,296.11
- v) Agenda item #E-22 entitled, "Approve salary increases for City Manager and City Attorney" was pulled from the agenda pursuant to staff's request.
- w) Agenda item #E-23 entitled, "Approve reimbursement for attendance at non-City meeting for City Council Members and amendment of PERS contract to include City Council Members in City's retirement system" was pulled from the agenda pursuant to staff's request.

- x) Set Public Hearing for January 7, 1998 to consider the technical equipment purchase proposal for Local Law Enforcement Block Grant Program.
- y) Reset the following Public Hearings for January 7, 1998:
 - a) Public Hearing to receive a report of the cost of the abatement of weeds in the City of Lodi during 1997 and to hear any objections to the property owners liable to be assessed for the abatement.
 - b) Public Hearing to consider the Planning Commission's recommendation that the City Council adopt the 1997 Growth Management Allocations.

6. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-11 entitled, "Traffic resolution amendment - speed limit modification on Evergreen Drive".

City Engineer Prima informed the City Council that the Public Works Department recently performed Engineering and Traffic Surveys on the nine City streets listed below. Evergreen Drive was one of the nine streets reviewed.

- Beckman Road
- Guild Avenue
- Mills Avenue
- Century Boulevard
- Lodi Avenue
- Victor Road
- Evergreen Drive
- Lower Sacramento Road, (North)
- Vine Street

Per Section 40802(b) of the California Vehicle Code, Engineering and Traffic Surveys must be updated within a minimum of every five years on "non-local" streets. "Non-local" streets are collector and arterial streets included in the Federal Aid System. Speeds on streets on which the surveys exceed five years cannot be enforced using radar. The Engineering and Traffic Survey for Evergreen Drive is hereby referenced below.

"SPEED ZONE REPORT - Evergreen Drive

- *REFERENCE - Speed zone surveys are performed in the City of Lodi following State of California Department of Transportation (Caltrans) guidelines in accordance with Section 40802(b) of the California Vehicle Code. These guidelines are outlined in Chapter 8 of the Caltrans Traffic Manual.*
- *STUDY*
Important factors to consider in determining the speed limit which is most appropriate to facilitate the orderly movement of traffic and that is reasonably safe are prevailing speeds, unexpected conditions to drivers, and accident records.

Prevailing Speeds (85th Percentile Speeds) - Reasonable speed limits conform to the actual behavior of the majority of motorists, and by measuring motorists' speeds, one will be able to select a speed limit that is both reasonable and effective. Speed limits should normally be established at the first five-mile-per-hour increment below the 85th percentile speed. However, in matching existing conditions with the traffic safety needs of the community, engineering judgment may indicate the need for a further reduction of five miles per hour.

One radar survey was performed and the 85th percentile speeds are 35 and 37 mph, as show below:

<u>Street Segment</u>	<u>Northbound</u>	<u>Southbound</u>
Evergreen Drive	35 mph	37 mph

Unexpected Conditions

When roadside development results in traffic conflicts and unusual conditions which are not readily apparent to drivers, speed limits below the 85th percentile are warranted. The following factors were considered: roadway design speed, safe stopping sight distance, superelevation, shoulder conditions, profile condition, intersection spacing and offsets, commercial driveway characteristics, and pedestrian traffic in the roadway without sidewalks.

Accidents

Accident records of the two most recent years were considered in determining the speed zones. Accidents on segments of roadways are classified by their accident rate. Accident rates are determined by the number of accidents occurring within a segment of roadway and the traffic volume within that segment. Accident rates are shown in accidents per million vehicle miles (ACC/MVM). The accident rate in this segment is 0.0 ACC/MVM. The average Citywide accident rate is 4.4 ACC/MVM.

• CONCLUSION

The 85th percentile speeds on this segment are 35 and 37 mph. The 50th percentile speed is 31 mph. There have been no accidents in this segment during the two-year study period of 1995/96. Based solely on the prevailing speeds, the speed limit could be set at 35 mph; however, staff is recommending that the speed limit be reduced by five miles per hour based on the following factors. The lack of accidents on Evergreen Drive is likely due to the fact that areas intersecting Evergreen Drive have been under development for the past few years. This results in unrealistic traffic volumes, reduced vehicle conflicts, and reduced number of accidents. This concept is supported by the fact that, although no accidents were reported during the study period, two accidents have occurred to date in 1997. One accident involved a parked car and the other involved a pedestrian. Based on the questionable accuracy of the accident data, large number of minor and major street driveways, staff recommends that the speed limit on Evergreen Drive be posted at 30 mph. A test drive of the street segment indicates a 30 mph posted speed limit is appropriate.

The recommended speed limits are shown below:

<u>Street Segment</u>	<u>Posted Speed Limit</u>
Evergreen Drive	30 mph"

Engineering and Traffic Surveys are performed following State of California Department of Transportation (Caltrans) guidelines. The surveys include a map of the street showing the physical characteristics of the roadway, such as roadway width, number of through lanes, and traffic controls. Traffic volumes, prevailing speeds and accidents rates are analyzed and the results are shown in a written narrative for each street. Accident rates are determined by the number of accidents occurring within a segment of roadway and the traffic volume within that segment and are shown in accidents per million vehicle miles (ACC/MVM). The average Citywide accident rate is 4.4 ACC/MVM.

Three factors should be considered when determining the speed limit most appropriate to facilitate the orderly and reasonably safe movement of traffic: prevailing speeds, unexpected conditions to drivers, and accident records. Reasonable speed limits conform to the actual behavior of the majority of motorists and, by measuring motorists' speeds, one can select a speed limit that is both reasonable and effective. Speed limits should normally be established at the first 5 mph increment below the 85th percentile speed. However, in matching existing conditions with the traffic safety needs of the community, engineering judgment may indicate the need for a further reduction of 5 mph.

DISCUSSION: Of the nine streets surveyed, speed limit modifications are recommended only on Evergreen Drive. This is the first time an Engineering and Traffic Survey has been performed on Evergreen Drive, as it was constructed within the past few years. Since Evergreen Drive is a minor collector street included in the Federal Aid System, it is considered a "non-local" street. Vehicle speeds on "non-local" streets lacking an approved Engineering and Traffic Survey cannot be enforced using radar.

STUDY RESULTS/RECOMMENDATION: The results of the Engineering and Traffic Survey indicate that based on existing vehicle speeds and absence of accidents on Evergreen Drive during the two-year study period of 1995 and 1996, the speed limit could be posted at 35 mph, which is also the design speed of Evergreen Drive and streets of similar classification. Staff was, however, concerned that since development in some of the areas intersecting Evergreen Drive is incomplete and the street is relatively new, the reliability of the accident data is questionable. The fact that there were no accidents during the study period is likely due to the fact that areas intersecting Evergreen Drive have been under development for the past few years. This results in unrealistic traffic volumes, reduced vehicle conflicts, and reduced number of accidents. This concept is supported by the fact that, although no accidents were reported during the study period, two accidents have occurred to date in 1997. One accident involved a parked car and the other involved a pedestrian.

Based on the questionable accuracy of the accident data, large number of minor and major street intersections within its relatively short length, and single-family homes with individual driveways, staff recommended that Council approve a posted speed limit of 30 mph along Evergreen Drive. Since there were no changes to the other eight streets surveyed, no Council action is needed for those streets.

This item was pulled from the agenda at the request of Mike Kaminski, 317 Evergreen Drive, Lodi. Mr. Kaminski asked why the City wants to increase the speed limit from 25 to 30 mph. Mr. Kaminski stated that there are no crosswalks on Evergreen Drive, and that he has a concern for children going to Peterson Park. Council Member Mann stated that he agrees with Mr. Kaminski. City Engineer Prima was asked to provide information regarding the law as it pertains to speed traps. Discussion followed with questions being directed to Mr. Prima by members of the City Council and Mr. Kaminski.

The City Council, on motion of Council Member Pennino, Warner second, unanimously adopted Resolution No. 97-202 amending Traffic Resolution No. 97-148 by approving a 30-mile-per-hour (mph) speed limit on Evergreen Drive.

- b) Agenda item #E-13 entitled, "Approve driveway location at 901 South Cherokee Lane".

City Engineer Prima informed the City Council that the subject property is located immediately south of Vine Street on the west side of Cherokee Lane. On April 3, 1996, the property owner, Mr. Richard Galantine, was directed by the City Council to remediate work done in the Cherokee Lane right-of-way without the required City approvals or encroachment permit. As part of the unpermitted work, a second driveway access had been added at the south boundary of the site. At the time of acquisition of Cherokee Lane from the Division of Highways, certain access rights were conveyed to the City for the area south of Vine Street. In order to have legal access to Cherokee Lane, property owners are required to obtain City Council approval to add new driveways; therefore, Council further directed Mr. Galantine to request Council approval of the new driveway location.

Continued December 17, 1997

The required remediation work has been completed at the site and the owner has requested approval of the second driveway location. Since there are currently no frontage improvements (curb, gutter, sidewalk) on Cherokee Lane, staff recommended that the new southerly driveway access be approved under the following conditions:

1. The driveway shall be 24 feet in width and adjacent to the south property line, as shown on the submitted plan.
2. At the time of installation of curb, gutter and sidewalk along the Cherokee Lane frontage, a commercial driveway approach conforming to then current City Standard Plans and Specifications shall be installed.
3. The actual location of the future commercial driveway approach shall be in conformance with City Design Standards with respect to adjacent property lines and public facilities, such as utility poles and fire hydrants.

The Council could require installation of standard curb, gutter, sidewalk and commercial driveways along Cherokee Lane. However, the improvements could not include the corner at Vine Street unless additional right-of-way was acquired.

Council Member Pennino indicated that the City has been doing work for an extended period of time in the subject area and that there are presently no curb, gutter, or sidewalk improvements in the area. Mr. Pennino stated that he hopes this would not happen in the future. He indicated that he hated to see the City spend the money it did on Cherokee Lane, and not see the improvements go forward.

Discussion followed with questions being directed to City Engineer Prima. Staff was asked to provide Council with a report outlining other parcels in the area not having these improvements.

Following additional discussion, the City Council, on motion of Mayor Sieglock, Mann second, unanimously adopted Resolution No. 97-204 granting a commercial driveway at 901 South Cherokee Lane.

- c) Agenda item #E-18 entitled, "Authorization to cancel contract for the Lodi Conference and Visitors Bureau (LCVB) as per request from the Lodi District Chamber of Commerce Board of Directors".

City Manager Flynn reminded the City Council that the City of Lodi entered into a contract on June 30, 1995 with the Lodi District Chamber of Commerce to establish the Lodi Conference and Visitors Bureau (LCVB). The LCVB was established and funded by the City of Lodi with the caveat that the LCVB seek additional sponsors to minimize the City's financial participation. The LCVB, although able to generate enthusiasm and interest in the Bureau, was not able to identify alternative funding sources.

Subsequently, the Lodi District Chamber of Commerce Board of Directors met September 16, 1997 to discuss the viability of the LCVB and voted to terminate the Contract with the City of Lodi. The Board has requested that the City uphold their recommendation and terminate the contract effective December 31, 1997.

The City contributed \$75,000 to the LCVB this year of which approximately half of the funds will be returned to the City of Lodi.

Council Member Warner stated that he feels the City needs a Visitors Bureau and that this matter should be pursued. City Manager Flynn stated that it is his intention to bring this matter to the City Council at a Shirtsleeve Session to be held in early February, 1998.

The City Council, on motion of Council Member Warner, Pennino second, unanimously terminated the contract for the Lodi Conference and Visitors Bureau (LCVB) effective December 31, 1997.

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 Sieglock called for the Public Hearing to consider unmet transit needs.

Transportation Manager Tobar reminded the City Council that this Public Hearing is a continuation of the 9 a.m. hearing held Wednesday, December 17, 1997 in the Carnegie Forum. Mr. Tobar indicated that no one appeared at the 9:00 a.m. Public Hearing on this matter.

These Public Hearings are an annual requirement of the Transportation Development Act regulations. No major transit needs are expected to be identified. Requests will be made for longer evening and Sunday GrapelLine service, and weekend interregional services to Galt and Stockton. To date, there does not appear to be enough demand for any of these types of services.

Staff does not expect the San Joaquin County Council of Governments to find any unmet transit needs in Lodi.

Mr. Tobar addressed the City Council regarding a call he had received from a resident regarding some minor adjustments to Route 4 and the fact that they are looking at enhancing Route 20 and 21. Mr. Tobar outlined what happens when someone from the public speaks up and asks for special service.

Mr. Tobar then outlined the transfer fares from the GrapelLine to SMART and from SMART to the GrapelLine. Mr. Tobar then responded to questions regarding fare box recovery as were posed by Council Member Pennino.

Hearing Opened to the Public

There were no persons in the audience wishing to speak on the matter.

Public Portion of Hearing Closed

ACTION:

There was no need for Council action regarding this matter.

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Sieglock called for the Public Hearing to consider Federal Transit Administration Fiscal Year 1997/98 Program of Projects.

Transportation Manager Tobar informed the City Council that the City of Lodi's Transit Division is in the process of preparing the Program of Projects, for Fiscal Year 1997/98, to be submitted to the Federal Transit Administration (FTA). Part of that process is to hold a Public Hearing. The Program of Projects for Fiscal Year 1997/98 will likely contain more FTA funds for the multimodal station so that Phase I and Phase II of construction will be completed. Caltrans will determine, by December 12, whether the City of Lodi will receive the requested amount for the station's construction. Listed below are the projects requested to be included in this program and the dollar amount of each.

Continued December 17, 1997

Operations	\$ 175,000
Vehicle Lease	\$ 18,600
Passenger Amenities	\$ 8,000
Master Plan and Drawings for Maintenance Shop	\$ 48,000
Component Rebuilds	\$ 8,000
Bus Shelters	\$ 72,000
Facility Upgrades	\$ 52,000
Vehicle-Related Equipment	\$ 25,000
Lodi Multimodal Construction	\$1,730,800
TOTAL	\$2,137,400

Hearing Opened to the Public

There were no persons in the audience wishing to speak on the matter.

Public Portion of Hearing Closed

ACTION:

The City Council, on motion of Council Member Pennino, Land second, unanimously approved the FTA 1997/98 Program of Projects.

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 Mann, Pennino second, unanimously rejected the following claims:
 - 1. Nora Coryell, date of loss 10/5/97
 - 2. Gerald Vanderlans, date of loss 6/25/97
 - 3. Maria Hernandez, date of loss 10/25/97
- b) City Clerk Reimche read the following ABC Licenses:
 - 1. Richard H. Orr to Richard and Patricia J. Dunn, Roundhouse Tavern, 104 East Lodi Avenue, Lodi, On-Sale General, Person to Person Transfer
- c) The following report was presented to the City Council:
 - 1. Planning Commission report of November 24, 1997
- d) The City Clerk informed the City Council that her office received a letter from MediaOne regarding addition of new channels to the Lodi Channel Line-Up and increase in fees effective December 31, 1997.

9. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Resolution regarding the East Bay Municipal Utility District (EBMUD) Proposed Supplemental Water Supply Project".

Continued December 17, 1997

City Engineer Prima reminded the City Council that East Bay Municipal Utility District (EBMUD) held a public meeting with the City Council on December 9, 1997 regarding their proposed supplemental water project. During the meeting, Council Members recommended that a resolution be sent to EBMUD regarding the proposed project. Of particular concern were the following issues:

- The proposed Alignment #1 will require abandonment of the Central California Traction (CCT) railroad. This will generate a negative economic impact on Lodi industrial users which rely on the rail service. The EIR did not quantify the impacts of the rail service abandonment. The City finds this Alignment to be unacceptable
- Lodi's groundwater supply is diminishing and the EBMUD project may provide an opportunity for Lodi to take advantage of excess EBMUD water. The City would encourage EBMUD to partner with the City to increase Lodi's groundwater supply via excess water.
- In the event that there is excess EBMUD water available to users, the City requests first right of refusal for excess EBMUD water prior to EBMUD contacting other potential users.
- Camanche and Pardee Dams will likely experience an increase in capacity as a result of the proposed project. The City would encourage EBMUD to be cognizant of flood control issues downstream on the Mokelumne River.
- The City's support of the project additionally hinges on the understanding that the increased flows on the Mokelumne River for fish habitat and environmental purposes will be met by EBMUD's water rights and not from other Mokelumne River users' water rights.

City Engineer Prima apprised the City Council regarding information he had received while attending a meeting on December 15, 1997 with the East San Joaquin Parties Water Authority regarding the matter.

Addressing the City Council on the matter was Bob Johnson representing the Governmental Affairs Committee of the Lodi District Chamber of Commerce.

Discussion followed with questions being directed to Mr. Prima and to Mr. Johnson regarding the matter.

The City Council, on motion of Council Member Warner, Sieglock second, unanimously adopted Resolution No. 97-209 entitled, "A Resolution of the Lodi City Council Making Findings Regarding the East Bay Municipal Utility District (EBMUD) Proposed Supplemental Water Project" which is set forth below in its entirety and includes points addressed by both Mr. Prima and Mr. Johnson of the Lodi District Chamber of Commerce Governmental Concerns Committee.

"WHEREAS, East Bay Municipal Utility District (EBMUD) made a public presentation to the City Council of the City of Lodi on December 9, 1997, in the City Council Chambers at Carnegie Forum, 305 West Pine Street, Lodi, California; and

WHEREAS, the City of Lodi's groundwater supply is diminishing and the East Bay Municipal Utility District (EBMUD) project may provide and opportunity for Lodi to take advantage of excess EBMUD water; and

WHEREAS, the City of Lodi supports efforts to develop supplemental water supplies and encourages EBMUD to partner with the City to increase Lodi's groundwater supply via excess water;

NOW, THEREFORE BE IT HEREBY RESOLVED that the City Council of the City of Lodi makes the following findings:

1. *That proposed Alignment #1 will require abandonment of the Central California Traction (CCT) railroad. This will generate a negative economic impact on Lodi industrial users, which rely on the rail service. The EIR did not quantify the impacts of the rail service abandonment. The City finds this Alignment to be unacceptable; and*
2. *That in the event that there is excess EBMUD water available to users, the City requests first right for refusal for excess EBMUD water prior to EBMUD contracting with other potential users; the DEIR should address the possible use of excess water within North San Joaquin County; and*
3. *That Camanche and Pardee Dams will likely experience an increase in water storage demands as a result of the proposed project. The City would encourage EBMUD to be cognizant of flood control issues downstream on the Mokelumne River. The EIR should address this potential impact; and*
4. *That the City of Lodi's support of the project is based on representations by EBMUD staff increased flows on the Mokelumne River for fish habitat and environmental purposes will be met by EBMUD's water rights and not from other Mokelumne River users' water rights. The DEIR should confirm this statement regarding water rights utilizations.*
5. *The DEIR should address the concerns of the East San Joaquin Parties regarding use of project water for conjunctive use in the overdrafted groundwater basin south of the Mokelumne River.*
6. *Water Code §11460 requires that the needs of adjacent watersheds be met as part of water transfer projects. The DEIR should address issues of compliance by the Bureau of Reclamation in satisfying San Joaquin County's water deficiency."*

10. ORDINANCES

- a) Ordinance No. 1654 entitled, "An Ordinance of the City Council of the City of Lodi Amending Title 12 - Streets, Sidewalk and Public Places Adding Chapter 12.06 to the Lodi Municipal Code Establishing the Downtown Lodi Business Improvement Area" having been introduced at a regular meeting of the Lodi City Council held December 3, 1997 was brought up for passage on motion of Council Member Mann, Sieglock 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, Pennino, Warner and Sieglock (Mayor)
Noes: Council Members - None
Absent: Council Members - None

11. MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION (PIC)

Mayor Sieglock adjourned the City Council meeting to the meeting of the Lodi Public Improvement Corporation (PIC). President Pennino called the meeting to order and Secretary Reimche recorded roll, indicating that all members of the PIC were present. The Corporation, on motion of Director Warner, Mann second, unanimously adopted Resolution No. 97-3 electing the following new officers:

Continued December 17, 1997

- Jack A. Sieglock - President
- Keith Land - Vice President
- Alice M. Reimche - Secretary
- Vicky McAthie - Treasurer

There being no further business to come before the Corporation, President Sieglock adjourned the meeting at approximately 8:31 p.m. and Mayor Sieglock reconvened the City Council meeting.

12. MEETING OF THE LODI INDUSTRIAL DEVELOPMENT AUTHORITY (IDA)

Mayor Sieglock adjourned the City Council meeting to the meeting of the Lodi Industrial Development Authority. Chairperson Pennino called the meeting to order and Secretary Reimche recorded roll indicating that all members of the IDA were present. The Authority, on motion of Authorizing Member Warner, Mann second, unanimously adopted Resolution No. IDA-17 electing the following new officers:

- Jack A. Sieglock - Chairperson
- Keith Land - Vice Chairperson
- Alice M. Reimche - Secretary
- Vicky McAthie - Treasurer

There being no further business to come before the Authority, Chairperson Sieglock adjourned the meeting at approximately 8:33 p.m. and Mayor Sieglock reconvened the City Council meeting.

13. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There were no persons in the audience wishing to comment.

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

- a) Council Member Mann wished everyone a Merry Christmas.

Further, Council Member Mann indicated that he had received a complaint from a citizen regarding a program which had appeared on Channel 3 (MediaOne) which was quite appalling. Council Member Mann stated that he would like each Council Member to review a tape of the program, as he felt it certainly was not in keeping with what should be shown on the local cable channel. Further, he recommended that a letter of complaint be forwarded to MediaOne and that the FCC be copied. Council Member Warner stated that he too had seen the program, and that he felt that the City needed to take a stand in opposition of this type of programming.

- b) Mayor Sieglock wished the citizens of this community a Merry Christmas and a Happy New Year.

Mayor Sieglock further reported that the City of Lodi would again this year offer free rides via Dial-A-Ride on New Year's Eve, and urged the citizens of this community to avail themselves of this service.

- c) City Manager Flynn thanked the members of the City Council for providing dinners to his family each evening following an accident at their home which had injured his wife, Judy.

The City Manager announced that again on Thursday evening, December 18, 1997, Frank Alegre Trucking will be bringing snow to Lodi for children to play in. The City Council expressed its sincere appreciation to Mr. Alegre for the time and effort involved in providing this special treat to the children of this community.

Continued December 17, 1997

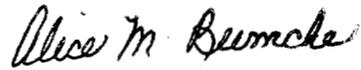
15. CLOSED SESSION

There was no need to discuss the Closed Session items.

16. ADJOURNMENT

There being no further business to come before the City Council, Mayor Sieglock adjourned the meeting at approximately 8:45 p.m.

ATTEST:



Alice M. Reimche
City Clerk