

CITY COUNCIL, CITY OF LODI
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 17, 1993
7:30 P.M.

ROLL CALL Present: Council Members - Davenport, Mann, Sieglock, Snider, and Pennino (Mayor)
Absent: Council Members - None
Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney McNatt, and City Clerk Perrin

INVOCATION The invocation was given by Pastor Don Thomas, Lodi Community Church.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was led by Mayor Pennino.

PRESENTATIONS

PRESENTATION BY BIG VALLEY SENIOR SOFTBALL

CC-27(c) A presentation of check in the amount of \$1,000 was made by Gene Zwingleberg on behalf of Big Valley Senior Softball for the batters box mats for the Armory and Complex softball diamonds.

COMMENTS BY PUBLIC ON
CONSENT CALENDAR ITEMS

Frank Alegre, 2000 Edgewood Drive, questioned what type of records were going to be destroyed by the Lodi Police Department in regards to agenda item #F-12 entitled, "Destruction of certain records retained by the Lodi Police Department".

CONSENT CALENDAR In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Davenport, Snider second, approved the following items hereinafter set forth.

The following items were removed from the Consent Calendar and discussed and acted upon at the end of this segment:

- a) Agenda item #F-1 entitled, "Claims - \$1,331,159.73" (Removed by Council Member Davenport);
- b) Agenda item #F-2 entitled, "Minutes - (a) December 16, 1992 (Regular Meeting) and (b)

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January 6, 1993 (Regular Meeting)" (Removed by Council Member Davenport);

- c) Agenda item #F-4 entitled, "Approve class specification and set control point for Police Chief" (Removed by Council Member Davenport); and
- d) Agenda item #F-10 entitled, "Authorize exception to bidding procedures for the purchase of Well 3R Pump and Motor, 144 South Rose Street (southwest corner of Hutchins Street Square)" (Removed by Council Member Davenport).

Further the following item was pulled from the agenda:

- a) Agenda item #F-7 entitled, "Final Map and Improvement Agreement for Towne Ranch, Unit No. 1, Tract No. 2050" (Removed on recommendation of staff).

AGENDA ITEMS REMOVED FROM THE CONSENT
CALENDAR AND DISCUSSED AND ACTED UPON
AT THE END OF THIS SEGMENT

Agenda item #F-1 entitled, "Claims - \$1,331,159.73" was removed from the Consent Calendar and discussed and acted upon at the end of this segment.

Agenda item #F-2 entitled, "Minutes - (a) December 16, 1992 (Regular Meeting) and (b) January 6, 1993 (Regular Meeting)" was discussed and acted upon at the end of this segment.

PLANS AND SPECIFICATIONS AND ADVERTISEMENT
FOR BIDS FOR EASTSIDE LIGHTING PROGRAM APPROVED

CC-12.1(c) The City Council approved the plans and specifications for bids for Eastside Lighting Program and authorized advertising for bids.

This project consists of installing street lights, conduit and junction boxes on streets in the area of Hale Park, Blakely Park and Heritage School and other incidental and related work, all as shown on the plans and specifications for this project.

Community Development Block Grant (CDBG) funds will be used to pay for this project.

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AGENDA ITEM REMOVED FROM THE CONSENT
CALENDAR AND DISCUSSED AND ACTED UPON
AT THE END OF THIS SEGMENT

Agenda item #F-4 entitled, "Approve class specification and set control point for Police Chief" was removed from the Consent Calendar and discussed and acted upon at the end of this segment.

ACCEPTED IMPROVEMENTS UNDER WELL #17
PUMP AND MOTOR, 2017 WEST VINE STREET,
CONTRACT

CC-90 The City Council accepted the improvements under the "Well #17 Pump and Motor, 2017 West Vine Street" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to Kirby Pump and Mechanical of Rancho Cordova on March 20, 1991, in the amount of \$25,535. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was October 2, 1991, and the actual completion date was January 22, 1993. The final contract price was \$25,535. The difference between the contract completion date and the final actual completion date is mainly due to difficulties the motor manufacturer had in supplying a motor that met the noise requirements in the specifications.

ACCEPTED IMPROVEMENTS UNDER ABOVEGROUND
VAULTED FUEL STORAGE TANK, 125 NORTH
STOCKTON STREET, CONTRACT

CC-90 The City Council accepted the improvements under the "Aboveground Vaulted Fuel Storage Tank, 125 North Stockton Street" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.

The contract was awarded to SEMCO of Modesto, California, on September 2, 1992, in the amount of \$14,543.65. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council.

The contract completion date was December 15, 1992, and the actual completion date was January 21, 1993. The final contract price was \$15,710.65. The difference between the contract amount and the final contract price is mainly due to adding another shutoff switch with some additional wiring, and equipping the gas pump with Phase II Recovery

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hardware to conform to the San Joaquin County Air Pollution Control District's regulations.

ITEM PULLED FROM THE AGENDA

Agenda item #F-7 entitled, "Final Map and Improvement Agreement for Towne Ranch, Unit No. 1, Tract No. 2050" was pulled from the agenda at staff's recommendation.

PUBLIC HEARING SET FOR MARCH 17, 1993 TO CONSIDER ADOPTION OF THE UNIFORM CODES

CC-6 The City Council set a public hearing for Wednesday, March 17, 1993 to consider adopting the following Uniform Codes:

- 1991 Uniform Building Code
- 1991 Uniform Plumbing Code
- 1991 Uniform Mechanical Code
- 1991 Uniform Housing Code
- 1991 Uniform Code for the Abatement of Dangerous Buildings
- 1990 National Electrical Code

SET PUBLIC HEARING FOR MARCH 17, 1993 TO CONSIDER AMENDING MUNICIPAL CODE SECTION 15.44.040 TO INCREASE THE MINIMUM VALUE OF A CONSTRUCTION PROJECT REQUIRING OFF-SITE IMPROVEMENTS TO \$25,000

CC-6 The City Council set a public hearing for Wednesday, March 17, 1993 to consider amending Municipal Code Section 15.44.040 to increase the minimum value of a construction project requiring off-site improvements to \$25,000.

The proposed Municipal Code amendment was one of the recommendations of the Permit Processing Committee. It seems appropriate that this change be accomplished in harmony with the Uniform Code adoptions.

AGENDA ITEM REMOVED FROM THE CONSENT CALENDAR AND DISCUSSED AND ACTED UPON AT THE END OF THIS SEGMENT

Agenda item #F-10 entitled, "Authorize exception to bidding procedures for the purchase of Well 3R Pump and Motor, 144 South Rose Street (southwest corner of Hutchins Street Square)" was removed from the Consent Calendar and discussed and acted upon at the end of this segment.

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CONTRACT FOR ARCHITECTURAL SERVICES FOR
WELL 3R ENCLOSURE, 144 SOUTH ROSE STREET
(SOUTHWEST CORNER OF HUTCHINS STREET
SQUARE) APPROVED

CC-90
CC-183(a)

The City Council authorized the City Manager to sign an architectural service agreement with Wenell Mattheis Bowe for providing plans and specifications for the enclosure at Well 3R.

The Public Works Department and the Old Lodi Union High School Site Foundation have chosen the firm of Wenell Mattheis Bowe to prepare the plans and specifications for the Well enclosure at Well 3R. The fee for preparing these plans and specifications is \$11,040.

This project will construct a block wall around the well with a covered arbor. The enclosure will be covered and sloped so that soccer balls and volleyballs will roll off the enclosure and back onto the field. This concept was previously agreed to by the Foundation and the City.

The design of the enclosure will complement the existing facilities at Hutchins Street Square and will also help to reduce the noise from the well site.

DESTRUCTION OF CERTAIN RECORDS RETAINED BY
THE LODI POLICE DEPARTMENT APPROVED

RESOLUTION NC. 93-28

CC-6
CC-300

The City Council adopted Resolution No. 93-28 granting permission to destroy certain records listed below in excess of five (5) years of age.

In the interest of conserving storage space, the Lodi Police Department makes this annual request to destroy certain records in excess of five (5) years of age as follows:

1. Background investigations and employment records of previous employees who have left employment with the City over five years ago. This does not include retirees.
2. Background investigations on previous applicants not hired, over five years old.
3. Crime reports, incident reports and traffic reports over five years old, except for those with pending court action and all homicide investigations.

4. Investigations of citizens complaints over five years old.

CONTRACT AWARD FOR CHEROKEE LANE/HALE ROAD
TRAFFIC SIGNAL AND LIGHTING INSTALLATION
AND CONCRETE CURB, GUTTER AND SIDEWALK
INSTALLATION

RESOLUTION NO. 93-29

CC-90 The City Council adopted Resolution No. 93-29 awarding the
CC-48(h) contract for Cherokee Lane/Hale Road Traffic Signal &
CC-300 Lighting Installation and Concrete Curb, Gutter and
 Sidewalk Installation to Richard Heaps Electrical in the
 amount of \$81,683.00 and appropriated \$6,000.00 from the
 Hotel/Motel Tax Fund for sidewalk work.

At its April 1, 1992 meeting, City Council adopted Resolution 92-55 authorizing funding, approving an amendment to the Transportation Improvement Plan and directing City staff to proceed with the traffic signal and lighting installation at the intersection of Cherokee Lane and Hale Road. Plans and specifications have been prepared by City staff and have been reviewed and approved by Caltrans. Since this project is funded with Federal Transportation funds, this additional review was necessary.

In order to provide controlled access to this intersection and coordinate vehicle flow, construction of curb, gutter and alley approaches are necessary. Also, to improve pedestrian access (which is the primary purpose of installing the signal), sidewalk and handicap ramps are being installed. At the Star Market, this will mean the displacement of six nonstandard diagonal parking stalls which were marked within the public right of way.

Staff has met with the owner of the property and his attorney. The project was described to them, and that it is being done by the City at no cost to the owner even though, under the Streets and Highways Code, the City could require the owner to pay for the sidewalk. Apparently, the owner has a parcel immediately west of the market and is considering expanding the parking lot. Staff offered to assist in doing a layout but declined a request to pay for the expansion.

Staff also reviewed this project with the Cherokee Lane Improvement Committee/Chamber of Commerce at their December 3 meeting. The consensus of the group was that the City should proceed with the project as proposed by staff.

Plans and specifications for this project were approved on December 16, 1992. The City received the following nine bids for this project:

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<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$127,394.50
Richard A. Heaps Electrical	Sacramento	\$ 81,683.00
M & M Electric	Sacramento	\$ 86,669.00
Steiny and Company, Inc.	Vallejo	\$ 91,066.21
Collins Electrical	Stockton	\$101,774.31
B. Cantarutti Electric Co.	Novato	\$103,188.00
Anaconda Engineering & Construction	Stockton	\$107,357.00
Tri-Technic, Inc.	Jamestown	\$107,995.00
St. Francis Electric	Hayward	\$109,474.30
A. M. Stephens Construction	Rio Vista	\$121,747.50

With design and construction engineering plus contingencies, the total project cost will exceed the \$100,000.00 appropriation. Staff recommended that the new sidewalk work be paid for out of the Hotel/Motel Tax Fund as was recommended when the Council approved the project for bidding. The recommended appropriation is \$6,000.00.

CLAIMS - CC-21(b) Following questions by Council Member Davenport, the City Council, on motion of Council Member Mann, Snider second, unanimously approved the claims in the amount of \$1,331,159.73.

MINUTES Copies of the minutes for December 16, 1992 (Regular Meeting) and January 6, 1993 (Regular Meeting) were presented for Council's approval.

Council Member Davenport brought up several comments on possible errors and suggestions regarding the minutes of both meetings, including:

- a) Request to specify Council Member who removed item(s) from the Consent Calendar;
- b) Correction by Mr. Davenport stating that he made a comment regarding report of claims under the Comments by Council Members segment of the agenda;
- c) Correction that Mr. Steven Pechin spoke at the City Council meeting of December 16, 1992;
- d) Request that the address for Mr. Eilers be shown on the December 16, 1992 minutes;
- e) Request to include name of citizen who spoke regarding the refuse system at the January 6, 1993 meeting;

- f) Request to add citizen who spoke regarding the transit needs public hearing at the January 6, 1993 City Council meeting;
- g) Request for the minutes to follow the agenda; and
- h) Request to have government and City codes referenced in the minutes.

Speaking on the matter was Janet Pruss, 2421 Diablo Drive, Lodi.

Following a lengthy discussion, Council Member Mann made a motion to accept the minutes as presented. The matter died for lack of a second.

On motion of Council Member Snider, Sieglock second, the City Council unanimously accepted the minutes as presented subject to verification by the City Clerk (copy of findings on file in the City Clerk's office).

APPROVED CLASS SPECIFICATIONS AND SET CONTROL POINT FOR POLICE CHIEF

RESOLUTION NO. 93-27

CC-34 This class specification has been developed for the
CC-300 recruitment of Police Chief. The Control Point for this position is \$7,000 per month (salary + PERS contribution).

Council Member Davenport expressed his concern over this figure, stating that he felt it was too high.

Following discussion regarding the matter, the City Council, on motion of Mayor Pennino, Sieglock second, approved the class specification and set control point for the Police Chief at \$7,000 per month (salary + PERS contribution) by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

AUTHORIZED EXCEPTION TO BIDDING PROCEDURES FOR THE PURCHASE OF WELL 3R PUMP AND MOTOR, 144 SOUTH ROSE STREET (SOUTHWEST CORNER OF HUTCHINS STREET SQUARE)

CC-90 The following report was prepared by Public Works Director
CC-12(d) Ronsko.

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CC-183(a)

On September 16, 1992, City Council approved the drilling and development of a water production well at Hutchins Street Square. The size of the pump and motor is dependent on the well production after the well has been developed. The development of the well has just been completed and staff is now ready to acquire the pump and motor.

Because the well site may be adjacent to a future amphitheater at Hutchins Street Square, a decision was made to install a submersible motor. This will help reduce the noise from the well site.

The Public Works staff recommended the exception to the bidding procedures for two reasons:

1. The payee is a sole supplier of submersible motors. Byron Jackson Pumps is the only manufacturer of oil-filled submersible motors.
2. This is an emergency and there is insufficient time to go to bid. Public Works staff feels that it will be necessary to have this well on line early this summer to help meet the peak demands. Eliminating the formal contract procedures will save the City approximately six weeks of bidding time.

Council Member Davenport expressed his concerns about deviating from the bidding procedure.

Speaking on the matter was Frank Alegre, 2000 Edgewood Drive, Lodi.

Following discussion on the matter, the City Council, on motion of Council Member Snider, Sieglock second, authorized the exception to the bidding procedure for the purchase of Well 3R Pump and Motor, 144 South Rose Street (southwest corner of Hutchins Street Square) by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

COMMENTS BY CITY COUNCIL MEMBERS

The following comments were received under the "Comments by City Council Members" segment of the agenda:

LETTER READ FROM SISTER CITY COMMITTEE
REGARDING BUDGET REDUCTION

CC-21(b) Mayor Pennino read the following letter received from Naomi McCallum Carey, Secretary of the Lodi Sister City Committee, regarding the ten percent budget reduction it took at a recent meeting.

"Lodi Sister City Committee has enjoyed an excellent relationship with Lodi City Council for many years. We have shared experiences with visitors from Lodi, Italy and from Kofu, Japan. Each visit has been planned and carried out with the aid of City staff and City Council Members. Expenses have been met through the Visitors Fund and our own fund-raising.

City Council and staff are studying all departments of city government in order to determine cuts in present funding. Because we have shared the good times, we are prepared to share the bad times.

During this evening's meeting...(January 26, 1993)...the Board of Directors of Lodi Sister City Committee passed the following motion:

- ° That Lodi Sister City Committee join Lodi City Council Members in taking a ten-percent reduction in our annual allotment. This year we received \$1,000 for our office supplies, mailing expenses and staff assistance. We would receive \$900 for 1993-94 fiscal year.

Motion: Naomi Carey, Second: Merry Sasaki"

ADDITIONAL "TOWN HALL" MEETINGS SCHEDULED

CC-6 Mayor Pennino asked for Council concurrence to add two
CC-21(b) additional "Town Hall" meetings on the dates of April 13 and 14, 1993 as a follow-up and would serve as a free-flow conversation among the City Council and the public regarding the budget.

STATEMENT READ BY MAYOR PENNINO CONCERNING
THE RELATIONSHIP BETWEEN THE CITY COUNCIL
AND CITY STAFF

CC-6 Mayor Pennino read the following statement regarding the roles of the City Manager, City Attorney and City Clerk and the fact that a number of requests are being directed from a Council Member to City Department Heads and staff, causing an additional workload. Mr. Pennino stated there needs to be a policy that clearly states what an "inquiry" is and that the City Council should deal with City staff through the City Manager.

"Each one of us was elected by the citizens of Lodi to represent them in providing direction and setting policy for the City of Lodi. As Council Members we are like the board of directors of a corporation in which we have a chief executive officer or in this case a City Manager.

The City Manager directly reports to the City Council. In addition to the City Manager, two other individuals are hired and, for that matter, fired by the City Council. Those being the City Attorney and the City Clerk.

The City Manager is responsible for taking direction and action from this council as a whole and not from any one individual. He is responsible for taking this information and running the City's operations on a day-to-day basis.

Municipal Code Section 2.12.070 spells out how Council Members are to deal with City staff. It says:

'Except for the purpose of inquiry, the city council and its members shall deal with the administrative services solely through the city manager, and neither the city council nor any member thereof shall give orders to any of the subordinates of the city manager.'

To that point, during the past several weeks some issues have arisen that need to be addressed by the Council. A Council Member has requested documents of information which has been very time consuming to produce. This has placed an additional workload on certain Department Heads and their staff. Some of the information appears to be of a personal nature.

There have been other actions which are disrupting the normal operations of the City. It is not my/our intent to stop a Council Member from staying abreast of City business, but the Council needs to adopt a policy in connection with Municipal Code Section 2.12.070, spelling out what 'inquiry' is and making it perfectly clear that for everything else besides simple routine questions, the Council should deal with City staff through the City Manager.

Finally in closing, as Council Members and as individuals, we must remember that the City Manager, City Attorney and the City Clerk work for the Council as a whole and we should respect them and not threaten them with verbal comments. This cannot and will not be tolerated!"

REPORT READ BY COUNCIL MEMBER DAVENPORT

CC-6
CC-16

Council Member Davenport read a prepared memo stating several different matters, including in part: (1) that

the citizens be made more aware of when they may speak at a City Council meeting; (2) that the minutes, when referring to a State statute or a City code, reflect the appropriate Government Code section or City ordinance number; (3) made several comments regarding the City Manager's attendance at a recent City Manager's conference and "secret meetings" between the City Manager and the Mayor; (4) that he is entitled to request documents from City staff; (5) stated he was not permitted to attend the City Department Head staff meeting; (6) commented he was refused copies of City records; (7) alleged that top City officials are not reporting their time away from the office; (8) expressed his opinion that reports should not go through the City Manager because he has too much power; and (9) urged citizens to contact him with any questions or comments.

COMMENT IN SUPPORT OF CITY STAFF

CC-6 Council Member Snider spoke in support of the City of Lodi, its government and the City Manager and expressed his disgust that Council Member Davenport dominated more than an hour of discussion regarding routine matters that could have been questioned prior to the meeting.

GANG TASK FORCE MEETINGS

CC-2(q) Council Member Sieglock informed the public that the Gang Task Force meeting was held that evening and urged the public to attend future meetings.

COMMENT IN SUPPORT OF CITY STAFF

CC-6 Council Member Sieglock spoke in support of the City Manager that he is doing a good job and expressed his concerns in the way Mr. Davenport presents himself at the City Council meetings.

POSSIBLE FORMATION OF AN ECONOMIC DEVELOPMENT DEPARTMENT/COMMITTEE

CC-6 Council Member Mann commented on the need for more jobs in the City of Lodi and that the City will need to compete to attract more jobs. Council Member Mann proposed the formation of an Economic Development Department/Committee to assist in conjunction with the Chamber of Commerce's Economic Development Committee and the San Joaquin Partnership in retaining current businesses and attracting new businesses. He proposed that this be a subject of a future Shirtsleeve Session.

COMMENT IN SUPPORT OF THE CITY MANAGER

CC-6 Council Member Mann also spoke in support of the City Manager.

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FAREWELL EXPRESSED TO RICHARD SANFORD,
LODI MEMORIAL HOSPITAL

Council Member Snider expressed his gratitude to Mr. Richard Sanford of the Lodi Memorial Hospital who is retiring after 25 years of dedicated service.

RESPONSE TO COUNCIL MEMBER SIEGLOCK'S
EARLIER COMMENT

CC-6 Council Member Davenport urged the citizens to remain objective and stated his concerns regarding Council Member Sieglock's earlier comments.

COMMENT IN SUPPORT OF THE CITY

CC-6 Mayor Pennino spoke in support of the City of Lodi and informed the public that there are no "secret meetings".

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

The following comments were received under the "Comments by the public on non-agenda items" segment of the agenda:

GOALS OF THE HABITAT FOR HUMANITY
SHARED WITH THE CITY COUNCIL

CC-25 Pastor Robert Schreiber, 324 Rutledge Drive, Lodi, spoke
CC-84 on behalf of Habitat for Humanity which is an organization that assists in providing housing for those in poverty. Mr. Schreiber shared the program's goal to provide housing in Lodi by acquiring rundown houses and refurbishing them with the assistance of volunteers and also asked for City assistance.

Mayor Pennino suggested that Mr. Schreiber work with the Eastside Task Force and the Community Development Department.

COMMENT REGARDING THE ECONOMIC DEVELOPMENT
TASK FORCE

CC-7(k) Les Dabritz, Executive Director of the Chamber of Commerce, commented that the Economic Development Task Force is currently working on an Economic Development Plan which will be brought to the City Council in the near future. The Chamber of Commerce's number one priority this year is to focus on generating new jobs. Mr. Dabritz also spoke in support of the outstanding City of Lodi government, its staff and the City Manager.

Further, Mr. Dabritz introduced the Chamber of Commerce's new Membership Coordinator, Katherine Provins. Ms. Provins informed the public of the Chamber's upcoming 7th Annual

Trade Show to be held on March 31, 1993. They are hoping to have a turnout of about 600 to 800 people.

REPRODUCTION/DESTRUCTION OF CITY OF LODI
RECORDS QUESTIONED

CC-6 Frank Gayaldo Jr., P.O. Box 206, Lodi, commented on the destruction of Finance Department records and stated he has a lot more copy work he will need to do, but will not be able to do it if records are destroyed. Mr. Gayaldo also questioned the City Attorney if he were to bring in his own photocopy machine, would he be charged for copy work. City Attorney McNatt responded that he would not be charged for copy work, but could be charged for staff time if the request resulted in any research. Mr. Gayaldo then requested reimbursement for charges he was assessed for copy work he did with his own photocopier.

COMMENT IN SUPPORT OF COUNCIL MEMBER DAVENPORT

CC-6 Cheryl E. Reinke, 420 Ravenwood Way, Lodi, stated that Council Member Davenport was voted into office by the people of this community, as were the other Council Members, and, although the people were aware of Mr. Davenport's lawsuit against the City during the election, the people voted him into office regardless.

COMMENT REGARDING COUNCIL MEMBER DAVENPORT

CC-6 Arthur Price, 1053 Port Chelsea, Lodi, commented on his disgust regarding these shameful attacks and urged the citizens not to believe Council Member Davenport who, he feels, has his own "personal agenda".

REQUEST FOR REIMBURSEMENT FOR REPRODUCTION
OF DOCUMENTS

CC-6 Frank Alegre, 2000 Edgewood Drive, Lodi, requested that the City of Lodi reimburse him \$502.40 that the City charged him for copying requested documents. He feels this is an extensive amount to pay for copies and that it is an injustice when the City starts charging citizens for copies. Mr. Alegre would like to see all records regarding travel costs and expenses be recorded by individual and by event and that records regarding consultant costs and attorney fees be broken down by project. In Mr. Alegre's final comment, he stated he would like to see an ordinance prohibiting City employees from drinking during working hours.

Questions followed by Council Member Davenport regarding the procedure that Mr. Alegre followed to receive his requested copies. Mr. Alegre stated that he requested these copies through the City Manager, as it should be done.

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Further, Council Member Snider agreed that he would like the citizens to see what he is doing, what he is spending on travel and salary and that these records be readily available. Mr. Snider also commented that the City needs a policy regarding copying costs.

In addition, Mayor Pennino commented that the City's accounting system has changed over the last few years due to Mr. Flynn's streamlining of the system, and that most of the records being requested are old and were not as accessible as they are today.

Mr. Flynn reported that existing documents are available; however, some may require research to create a new report and/or document, which results in additional use of staff time.

In response, Mayor Pennino expressed his concern of taking away from staff time and that further requests for information should go to the City Manager in writing, who will, in turn, direct staff appropriately.

COMMENT REGARDING REQUEST FOR DOCUMENTS

CC-6 Janet Pruss, 2421 Diablo Drive, Lodi commented that in the ten years or so that she has been attending City Council meetings, she has never been denied a request for information by the City Manager, City Council or staff. Mrs. Pruss feels this is a waste of time.

COMMENT IN SUPPORT OF COUNCIL MEMBER DAVENPORT

CC-6 Andrea Davenport (no address given), commented that Council Member Davenport's "personal agenda" is to help the citizens of Lodi and is not to be against the City Manager. She further stated that Mr. Davenport was not fired for insubordination, but was "forced into early retirement". Ms. Davenport stated that the 1994 election will see more people like Council Member Davenport on the Lodi City Council.

PUBLIC HEARINGS There were no public hearings.

PLANNING COMMISSION REPORT City Manager Peterson presented the following Planning Commission Report of the Planning Commission Meeting of February 8, 1993.

CC-35 The Planning Commission -

ITEMS OF INTEREST

a. Conditionally approved the request of Steve Widhalm for a Tentative Parcel Map to create 2 lots from 1 lot at 1703

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Reisling Drive/703 Pinot Noir Drive in an area zoned P-D(4), Planned Development District No. 4.

- b. Determined that Commissioners Griffith, Lapenta and Marzolf would represent the Commission at the League of California Cities Planning Commissioners Institute March 10-12, 1993 in Monterey, CA.

COMMUNICATIONS
(CITY CLERK)

CLAIMS CC-4(c) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Snider, Pennino second, unanimously rejected the following verified claims:

- a) George Konton, Date of loss 12/13/92; and
- b) Sam A. S. Silva, Date of loss 12/21/92.

PUBLIC HEARING SET FOR APPEAL RECEIVED
FROM CLAUDE C. WOOD COMPANY

CC-53(b) The City Council on motion of Council Member Davenport, Snider second, unanimously set a public hearing for March 17, 1993 to consider the appeal received from Claude C. Wood Company regarding the Planning Commission's denial of its request for an extension of a Use Permit for a temporary office trailer at 686 East Lockeford Street, Lodi.

APPLICATION RECEIVED FROM PACIFIC GAS &
ELECTRIC (PG&E) REGARDING RATE INCREASE

CC-7(t) Application No. 93-02-005 from Pacific Gas & Electric Company (PG&E) filed February 1, 1993 with the California Public Utilities Commission (CPUC) was received for authority to revise its gas rates and tariffs effective September 1, 1993, pursuant to the Commission's Decision No. 92-12-058 for gas transportation services to both core and noncore customers.

RECESS Mayor Pennino called for a ten-minute recess and the City Council reconvened at approximately 9:34 p.m.

REGULAR CALENDAR

EASTSIDE TASK FORCE COMMITTEE APPROVED WITH
FULL COOPERATION FROM THE CITY

CC-6 City Manager Peterson introduced the following matter.

CC-2(s) The City Council was reminded that at the City Council meeting of February 3, 1993, the Mayor directed Virginia

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Snyder, Virginia Lahr and John Young to meet with staff to prepare guidelines and recommendations regarding the formation of an Eastside Task Force and to return to the City Council with its recommendations within 30 days.

Virginia Snyder, 412 East Oak Street, Lodi, presented the following report:

"Community response to this effort has been enthusiastic. The following summary sets forth guidelines under which we would like to operate. Since we are all new at this, we will no doubt ask for modifications as we gain experience. We propose Eastside Improvement Committee for our official name.

1. We feel this body should be an arm of city government. Since we will be working toward solutions of some monumental problems, it is our belief that we need the full authority of the City of Lodi behind us. Success of this effort will depend on citizen volunteers, and we intend to operate in an atmosphere of openness and trust which would meet the requirements of the Brown Act.
2. Under the guidance of the City Manager, City Attorney, and Community Services Director, we plan to educate Lodi citizens on how to reclaim their neighborhoods from drugs, crime, and blight by using existing laws and ordinances.
3. It is our belief that the designation "eastside" should encompass an area bounded by Sacramento Street, Highway 99, Turner Road, and Century Boulevard. (By including Century Boulevard, we can serve the area south of the Kettleman Lane overpass which has been in decline for years).
4. We believe a steering committee of fifteen members should lead this effort. We suggest two requirements for board members. We believe they should be:
 - a) individuals who either reside on the eastside, own eastside property, or are engaged in business on the eastside.
 - b) persons who agree to establish a Neighborhood Watch group on their own block. (The act of forming such a group would demonstrate commitment on the part of the steering committee

members. We are looking for self-starters.)

5. For the present, we see six areas of immediate concern:

- a) Neighborhood Watch for fighting drugs and crime. We have volunteers who will walk around neighborhoods and encourage people to establish Neighborhood Watch groups. They will furnish support and expertise.
- b) Renters and Landlords. Goal: educate on health and safety codes, screening tenants, evictions. Explain legal penalties for harboring criminal activity, take action if necessary. Require resident apartment managers.
- c) Publicity and Speaker Bureau. Goal: gain public support by speaking to civic groups, churches, ethnic groups. Inform residents on how to effectively complain, start Neighborhood Watch.
- d) Business Interests. Goal: explain attractive business climate promotes profit, property appreciation. Work with DBA, Cherokee Lane, Mayor's Sacramento Street project. Inform businesses of "ugly" ordinance, legal implications. Alert community to movement of prostitutes, drug dealers, and winos from Sacramento Street to Cherokee Lane, East Lodi Avenue, and East Pine Street.
- e) Ethnic Outreach Goal: enlist bi-lingual volunteers to educate immigrants on civic responsibility, city laws, and Neighborhood Watch. Recruit minorities for Eastside Improvement Committee.
- f) "Ugly Ordinance" Goal: require clean up of eyesores, trash, abandoned vehicles. Train volunteers to teach citizens how to enforce compliance with the law.

6. Two steering committee members would be assigned to each of the above categories; one would serve as team leader and the

second would serve as alternate. Six individuals would serve three-year terms, six would serve two-year terms, and six would serve one-year terms. Team leaders will teach, guide, direct efforts of volunteers who serve on each committee.

7. With the exception of the steering committee, citizens from the community at large will be encouraged to serve on a committee of interest to them. We need help from the entire city.
8. With your consent, Virginia Snyder would serve as coordinator for one year. John Young would serve as first alternate, and Virginia Lahr would serve as second alternate. Subsequent coordinators and alternates must have served one year on the steering committee and will be elected by a majority vote of the steering committee. New terms would begin March 1, 1994. With Council approval, the coordinator and alternates could be elected to serve additional terms.
9. We propose that the City Council advertise the formation of the steering committee and ask for volunteers. Lahr, Young and Snyder would appreciate being asked to screen the applications and make recommendations to the City Council for approval. A trial application form for consideration... (was presented for Council's review).

We respectfully request a review of this proposal by the City Council, City Attorney, City Manager, and Community Services Director. Any advice or suggestions will be much appreciated."

Speaking on the matter were the following:

- a) Virginia Snyder, 412 East Oak Street, Lodi;
- b) John Young, 600 Tara Place, Lodi; and
- c) Virginia Lahr, 311 East Elm Street, Lodi.

The Eastside Improvement Committee informed the public of its new address and phone number:

P.O. Box 2444
Lodi, CA 95241
(209) 368-8848

Following discussion, the City Council, on motion of Council Member Snider, Davenport second, accepted the report and recommendations prepared by the Mayor's ad hoc committee and approved full cooperation in efforts to formulate the Eastside Improvement Committee.

REPORT REGARDING AMBULANCE RATE ADJUSTMENTS

CC-6
CC-22(d)

City Manager Peterson introduced the following matter:

Last spring the City Council heard a presentation regarding the adoption by the County Board of Supervisors of the adjusted ceiling for ambulance rates which may be charged throughout the County by ambulance service providers. At that time the City Council requested the opportunity to provide input, if deemed appropriate, to this process. Following is a letter from Ms. Elaine L. Hatch, the County's Emergency Medical Services Coordinator, addressing this matter.

"As you are aware, San Joaquin County has an ambulance ordinance, which includes a provision to regulate ambulance rates charged in the County by setting a ceiling. These rates are reviewed annually by the Board of Supervisors, following an analysis conducted by emergency medical services agency staff. Last year, I requested your input on ambulance rates, prior to presenting staff's recommendations to the Board of Supervisors. Your input is requested for our analysis this year.

...I will be discussing the issue with the ambulance providers in the next month."

Ms. Elaine Hatch was present at the meeting and answered several questions from the City Council and was directed to provide the City Council with a report of the final figures sometime in March.

ORDINANCE INTRODUCED AMENDING LODI MUNICIPAL CHAPTER 2.04 REGARDING COUNCIL PROCEDURES

ORDINANCE NO. 1566

CC-6
CC-149

City Attorney McNatt presented the following report.

At the shirtsleeve session of February 2, 1993, the Council discussed a proposed Ordinance and Resolution intended to update and streamline City Council meeting procedures. Among the more significant changes were:

- 1. Deletion of Robert's Rules of Order as the guideline for meetings, and substitution of a Resolution abbreviating the procedural rules;

2. Clarification of parties responsible for preparation and distribution of the Agenda;
3. Spelling out how and by whom matters are placed on the Council Agenda and provide a place on every Agenda for Task Force reports;
4. Limit introduction of new business at City Council meetings after 11:00 p.m.;
5. Protect the confidentiality of information received by staff or Council during closed sessions; and
6. Clarify miscellaneous rules of decorum and authority of the chairperson.

Following Council discussion at the shirtsleeve session, a number of changes or additions were suggested which have now been incorporated into the Resolution and Ordinance. These points include:

- ° Application of the new procedural rules to all City Boards and Commissions;
- ° Change starting time for Council meetings to 7:00 p.m.
- ° Clarify the number of votes needed for actions which would require "two-thirds vote" of the Council when varying numbers of members are present;
- ° Clarify that violation of decorum or disturbance rules as an infraction under Lodi Municipal Code Chapter 1.08;
- ° Allow reading of entire minutes only by majority vote of the Council;
- ° Require that the Chair admonish or warn a member before a vote is taken to eject; and
- ° Specify the sequence for the reading, comments on, and adoption of the Consent Calendar.

One of the main points of discussion regarding the Ordinance focused on placing matters on the Agenda. The Ordinance contains the original proposal, i.e., that items can be placed on the Agenda by the Mayor, two Council Members, the City Manager, City Clerk, or City Attorney. In addition, two other options have been included for Council consideration. The first would require any new matter a Council Member desires to place on the Agenda be moved and voted on at the time Council Members' comments are discussed on non-agenda items (Section 2104.100(F)).

The second option allows any single Council Member to place any item on the Agenda, but unless there is a second of the concurrences of the Chair, provides that no staff time be spent preparing a report. If the Council then wants to act further on the matter after it is debated, it would be continued to another date and the staff report prepared.

Following a lengthy discussion, the following persons spoke regarding the matter:

- a) Frank Gayaldo Jr., P.O. Box 206, Lodi;
- b) Cheryl Reinke, 420 Ravenwood Way, Lodi; and
- c) Frank Alegre, 2000 Edgewood Drive, Lodi.

Following a lengthy discussion regarding the matter, the City Council on motion of Council Member Snider, Mann second, introduced Ordinance No. 1566 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting in its Entirety Chapter 2.04 - City Council Meetings" with recommended changes regarding the setting of agenda items and with the clarification of "reasonable request" by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

It was further directed to schedule for the next City Council meeting the adoption of the related resolution.

REQUEST FOR AN ACCOUNT NUMBER FOR THE CITY OF LODI PHOTOCOPIER DENIED

CC-6

Recently, the City Clerk's office received a request from Council Member Davenport for an account number, whether it be an existing or a newly created account number, for use on the City of Lodi photocopier. Presently, the usual procedure has been for the Department from which the documents were requested to do the copy work.

The photocopier works from a code number punched into the machine and each Department has its own designated code. This system tracks the amount of copy work, and is then charged to the appropriate department. Our options would be (1) to designate an existing code number for Council Members' use, (2) to create a new code strictly for Council Members' use, or (3) to leave the procedure as it is and have the appropriate staff members make the requested copies.

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Following discussion among the City Council, Council Member Davenport made a motion for the City Council to be given an account number for use on the City of Lodi photocopier. The motion died for lack of a second.

REQUEST TO PURCHASE PERSONALIZED STATIONERY DENIED

CC-6 A request was received on February 10, 1993 from Council Member Davenport for the City to order and print personalized stationery. To my knowledge, we have not done this in the past, and there are no funds allocated for this purchase. Therefore, we would need to transfer the appropriate funds to accommodate this request. It was requested that the Council give direction to staff regarding this matter.

Following discussion on the matter, Council Member Davenport made a motion to have personalized stationery purchased for each of the Council Members. The motion died for lack of a second.

REQUEST TO RECONSIDER RESOLUTION NO. 93-18
REGARDING THE DESTRUCTION OF CERTAIN
FINANCE DEPARTMENT RECORDS DENIED

CC-6 Requests have been received from Council Member Davenport and from Mr. Frank Gayaldo, Jr., requesting that the City Council reconsider its action of the adoption of Resolution No. 93-18 entitled, "A Resolution of the Lodi City Council Authorizing Destruction of Certain Records Retained by the Lodi Finance Department", which was taken at the January 20, 1993 City Council meeting.

Following discussion among the City Council and Finance Director Flynn, the following persons spoke regarding the matter:

- a) Frank Gayaldo Jr., P.O. Box 206, Lodi;
- b) Arthur Price, 1053 Port Chelsea Circle, Lodi; and
- c) Frank Alegre, 2000 Edgewood Drive, Lodi.

Council Member Davenport made a motion to reconsider Resolution No. 93-18 entitled, "A Resolution of the Lodi City Council Authorizing Destruction of Certain Records Retained by the Lodi Finance Department" and to keep the records indefinitely. The motion died for lack of a second.

Further, it was made clear, as stated before, that the records would be held until after the completion of the "Town Hall" meetings whereby interested parties would be notified prior to the destruction of these records.

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LEASE AGREEMENT WITH NORTHERN CALIFORNIA
POWER AGENCY (NCPA) AT WHITE SLOUGH
(STIG PROJECT) APPROVED

CC-7(j) City Attorney McNatt presented the following report. It
CC-90 was further determined that Mayor Pennino did not have a
conflict of interest regarding this matter.

As the City Council may be aware, negotiations have been going on for some time on a proposed lease agreement between the City and NCPA for location of a gas turbine at the White Slough plant as part of NCPA's electric generation capability.

The premises would total approximately 10 acres, broken into two 5-acre parcels. Initially, NCPA will be occupying only one parcel, but wanted the second for a possible future expansion. The rents will begin at \$1354 per month for the first parcel, going to \$2708 per month when the second parcel is utilized. The initial term of the lease agreement is for 50 years, with periodic rent adjustments and extension provisions included.

Under this arrangement, NCPA will actually own and operate the physical facilities, but the City will continue to own the ground. The City will also be a 39.5 percent participant in the project, meaning that Lodi intends to avail itself of a large portion of the plant's capacity.

Initial plans and environmental clearances have been completed. If this lease agreement is approved by the Council, construction would begin in the near future. A representative of the Public Works Department was present at the February 17, 1993 Council meeting to answer technical questions.

On motion of Council Member Snider, Mann second, the City Council unanimously approved the lease agreement with Northern California Power Agency (NCPA) at White Slough (STIG Project).

RECIPROCAL AGREEMENT WITH TURLOCK CITY
ATTORNEY FOR LEGAL SERVICES APPROVED

CC-6 City Attorney McNatt presented the following report.
CC-90

Historically, when the City Attorney has been out of town or otherwise unavailable on City Council meeting dates, it has been necessary to retain an outside law firm to provide legal services. While the local firm utilized has always done an excellent job, the City's current financial situation requires innovative measures to contain costs.

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In recent conversation with Angil P. Jones, City Attorney for Turlock, it became apparent that City is in a similar situation. It occurred to us that we might be able to help each other under a reciprocal agreement.

The proposal is simply that each City Attorney provide coverage to the other's Council meetings on those occasions when the regular City Attorney is unavailable, at no charge. When Ms. Jones is unavailable to attend Turlock Council meetings, I would cover for her, assuming my schedule would otherwise allow, and she would do likewise in my absence. These situations would probably be infrequent.

Of course, this would require approval by both City Councils as well as a mutual indemnity agreement. The agreement would create no obligation to provide reciprocal coverage, but would authorize it if our schedules permit. This would give the respective cities the option to do so if feasible.

I have high regard for Ms. Jones' abilities and reputation as a City Attorney and believe she would do an excellent job. Turlock is approximately the same size as Lodi and deals with many of the same issues, so her experience is on point. This situation would also have less potential for conflict than hiring an outside firm, since she would have no private clients' interests to look out for which might theoretically later come into conflict with the City's interests.

Assuming the Council consents to this proposal, a letter of understanding can be drafted. Council direction was requested.

On motion of Council Member Mann, Davenport second, the City Council unanimously approved the reciprocal agreement with Turlock City Attorney for legal services.

PERSONAL COMPUTER PURCHASE POLICY FOR
CITY EMPLOYEES APPROVED

RESOLUTION NO. 93-30

CC-6
CC-34
CC-300

The following report was presented by Finance Director Dixon Flynn.

It was recommended that the City Council approve the "Personal Computer Purchase Plan" to allow eligible City employees to purchase a Personal Computer, software, and related equipment by: (1) obtaining government discounts offered to the City of Lodi by manufacturers and vendors; and (2) providing low interest loans.

This recommendation is based on the interest expressed by members of the City Council and staff to promote the productivity of City staff by using Personal Computers (PC's) when there are practical applications for this equipment. The experience in both the public and private sectors over the last 5 to 6 years has been that both the employee and the organization benefit when PC's are used in the conduct of business. These benefits include reduced staffing, faster service, increased salaries, improvement control over funds and other assets.

Personal Computers are versatile pieces of equipment that have many uses and applications. They can be used as typewriters, calculators, for problem solving, for storage of information and preparing reports. With the extensive use of Personal Computers in the workplace, a large number of "off-the-shelf" programs have been marketed that help cities conduct business more efficiently. There are payroll and accounting programs, computer aided design programs, publication programs, fleet managements programs, etc. Many of these programs replace either manual record keeping efforts or more expansive "central computer" applications.

Two problems faced by all organizations that introduce Personal Computers to the workplace are the employee's learning curve and the cost of training. The sooner employees become computer literate, the sooner the organization achieves the increased productivity this equipment can provide. To reduce the learning curve and training costs, many cities have encouraged employees to use Personal Computers at home that are similar to that used or to be used at work. This is accomplished by offering incentives to employees to purchase equipment and software for home use. The typical incentives offered include, but are not limited to the following:

- Providing employees with the opportunity to purchase equipment and software using company discounts.
- Low interest loans
- No interest loans
- Giving the equipment and software to employees for work
- Allowing employees to purchase surplus equipment at a deep discount

MANAGEMENT INFORMATION SYSTEMS COMMITTEE

In early December 1992, the Personnel Director recommended an "Employee Purchase Plan" to allow City employees to purchase Personal Computers with a "no-interest" loan. The

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City Manager referred this recommendation to the Management Information Systems Committee which has representatives from each Department. The Committee met on January 11, 1993, reviewed the recommendations of the Personnel Director. The policy, which was presented for Council's review, reflects the final recommendation of the Committee:

1. Allows employees to purchase equipment and software using City of Lodi government discounts.
2. Provide employees with "low interest" loans for the purchase of equipment and software. The interest rate to be based on the interest rate earned for City investments at the State Treasurer's Office.

It was determined after discussions at the Management Information Systems Committee and with the City Manager, that it would not be in the City's best interest at this time to give employees "no interest" loans to purchase PC's. This would not only result in lost revenue to the City but would require more effort to administer than for "low interest" loans. However, the recommendation to offer "no interest" loans can be reviewed again when the financial stability of the City is more certain.

COORDINATION

This policy has been coordinated with the City Attorney and a representative of each Department.

FUNDING

This program will not require the expenditure of City funds.

Following discussion among the City Council and staff, the City Council, on motion of Mayor Pennino, Snider second, adopted Resolution No. 93-30 approving the personal computer purchase policy for the City employees by the following vote:

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

Noes: Council Members - Mann

Absent: Council Members - None

APPOINTMENTS MADE TO THE EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) NEGOTIATING COMMITTEE

CC-6
CC-7 (b)

City Manager Peterson presented the following report.

The letter shown below had been received from the County of San Joaquin Department of Public Works, whereby they have requested that the City of Lodi appoint one elected official and one staff representative to the East Bay Municipal Utility District (EBMUD) Negotiating Committee.

"At the January 12, 1993 Board of Supervisors meeting, a Board Order was passed approving the establishment of a Committee to negotiate with the East Bay Municipal Utility District regarding the development of supplemental water supplies. The Board Order states that the committee will include one elected and one staff representative of the interested organizations in San Joaquin County. The Board appointed Supervisor Barber as the elected representative and... (John Pulver)... as the staff member.

It is requested that you present this plan to your Council and ask for appointments to be made in each of these categories. ...If I may be of some further help in presentation of this plan to your Council, I will be willing to do so.

It would be timely to establish this committee and begin its work as soon as possible as the East Bay Municipal Utility District is currently in the process of review of the EIR/EIS for their Water Supply Management Plan. Please let me know as soon as the committee members have been selected so that an organizational meeting of the group can be set."

It was suggested that the City Council appoint Council Member Stephen Mann and Public Works Director Jack Ronsko to this committee.

On motion of Council Member Snider, Sieglock second, the City Council unanimously appointed Council Member Stephen Mann and Public Works Director Jack Ronsko to the East Bay Municipal Utility District (EBMUD) Negotiating Committee.

ASSISTANCE IN OBTAINING INTERMODAL SURFACE
TRANSPORTATION EFFICIENCY ACT (ISTEA)
FUNDING APPROVED

CC-50(a)
CC-90

Assistant City Manager Glenn presented the following report.

The City of Lodi became eligible for Federal Transportation funds in July 1991. The City is eligible to receive approximately \$500,000 per year, nearly one-half for operations and one-half for capital.

In order to utilize our Transportation Development Act (TDA) funds, we must first avail ourselves of ISTEA funds. The San Joaquin County Council of Governments (COG) will not approve our claim unless we have or will utilize the

Federal dollars. We can use our TDA funds to match the Federal dollars.

The match to receive ISTEPA funds is 20% for operations and 50% for capital. It is our understanding these funds can be held for three years.

Unfortunately, these funds do not come to us like revenue sharing. The City must submit a rather complicated application, then follow rules and regulations, and what has been described as cumbersome reporting requirements.

Staff has been told that once an agency is tied into the system and the necessary systems of collecting data are established and proper operating procedures put in place, it is not a complicated process. However, accomplishing these tasks requires some knowledge and effort.

We have contacted COG and been informed they have no one on staff who has the knowledge and time to provide the necessary assistance. We contacted Stockton Metropolitan Transit District (SMART), requesting help. They have someone on staff who is familiar with the system; however, because of internal situations, they cannot provide the amount of time needed. CALTRANS administers the program and is not in a position to help us.

The City does not have anyone on staff that possesses the required knowledge. We do have the staff person on board who will do this work. The bottom line is that we must obtain some training and familiarization for Ms. Keeter.

Staff feels the best method of obtaining the necessary training is to provide "hands-on" assistance in putting together the claim, assist us in establishing the necessary systems to collect the data in a manner that allows proper reporting, and developing appropriate operating policies and procedures to meet Federal guidelines.

Both COG and CALTRANS suggested we contact James Brown and Associates to provide the necessary assistance in this endeavor. We have contacted Mr. Brown and he has indicated his willingness to assist us. Mr. Brown has served as a consultant to California Transportation Insurance Plan (CALTIP), which provides our liability insurance for our transit system. He reviewed our system before our joining CALTIP, so has some familiarity with our system. With that knowledge and the suggestions of COG and CALTRANS, we are confident he can help us.

He has quoted the City a price of \$70.00 per hour. It was requested that the City enter into an agreement with Mr. Brown for 100 hours. If this time is not sufficient, we will return to Council with a status report and a request

for additional authorization. Funding for this can be 100% funded with TDA funds.

Following discussion, the City Council, on motion of Council Member Mann, Snider second, authorized the City Manager to enter into a personal service contract with James Brown and Associates to assist in obtaining Intermodal Surface Transportation Efficiency Act (ISTEA) funding by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

PLANS AND SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR WELL 4R DRILLING LOCATED AT THE INDUSTRIAL SUBSTATION, 1215 THURMAN STREET APPROVED

CC-12.1(c)
CC-183(a)

This project consists of drilling a new water well at the City's Industrial Substation site. This project was initially budgeted in 1990 and a test well was drilled last year.

It is critical that the City provide another well for this summer's peak flows and that it be located east of Highway 99. This well will help provide the needed pressures and flows for the eastside industrial area.

The test well results show that this location will provide us with one of our largest capacity wells (approximately 2,500 to 3,000 gallons per minute); however, the test results also show high levels of dibromochloropropane (DBCP). We have determined from prior test well drilling that the whole planning limit east of Highway 99, except the area near the river, is contaminated with DBCP levels above the State's allowable amount.

We are recommending that Well 4R be drilled at this time. Once the well is developed and the actual level of DBCP is determined, we will then be recommending to the City Council a schedule for the required filtration system installation.

On Wednesday, February 10, 1993, staff met with the DBCP Committee and explained this proposal. The Committee understood the immediate need and the eastside well location.

There are insufficient funds currently budgeted for this entire project; however, the California Department of Health Services has given its tentative approval to use our

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loan funds from the Safe Drinking Water Bond of 1988 for the construction of this well site. The basis of this approval is that Well 4R will be a replacement for the City's existing Well 1 and Well 4. Both Wells 1 and 4 are out of service and have DBCP levels over the maximum allowed by the State.

Speaking on the matter was Dr. Helmuth Hoff, Dibromochloropropane (DBCP) Committee and Fran Forkas, Water/Wastewater Superintendent.

Following discussion regarding the matter, the City Council, on motion of Council Member Snider, Sieglock second, approved the plans and specifications for Well 4R Drilling without the Granular Activated Carbon (GAC) filter system, located at the Industrial Substation, 1215 Thurman Street and authorized advertising for bids by the following vote:

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

Noes: Council Members - Davenport

Absent: Council Members - None

ORDINANCES

ORDINANCE AMENDING EXCLUSIVE FRANCHISE FOR WASTE DISPOSAL SERVICES

ORDINANCE NO. 1565

CC-22 (b) Ordinance No. 1565 entitled, "An Ordinance of the City
CC-54 Council of the City of Lodi Amending Exclusive Franchise
CC-90 for Waste Disposal Services" having been introduced at a
CC-149 regular meeting of the Lodi City Council held February 3,
1993 was brought up for passage on motion of Council Member
Sieglock, Mann 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 - Mann, Sieglock, Snider and Pennino (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None

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CLOSED SESSION

The City Council met in a Closed Session regarding the following matter:

- a) Proposed litigation - City of Lodi v. Arends et al.

The City Council meeting reconvened at approximately 12:55 a.m.

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 12:56 a.m.

ATTEST:

Jennifer M. Perrin
 Jennifer M. Perrin
 City Clerk